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DOWNTOWN PLAN

An ordinance of the

City and County of San Francisco

Effective October 17, 1985



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Board of Supervisors, San Francisco, California

Ordinance 414-85

Passed for Second Reading by the Board of Supervisors August 19, 1985

Ayes: Supervisors Maher, Molinari, Nelder, Renne, Silver, Ward

Noes: Supervisors Britt, Hongisto, Kennedy, Kopp, Walker

Approved by the Planning Commission September 5, 1985

Finally Passed by the Board of Supervisors September 10, 1985

Ayes: Supervisors Maher, Molinari, Nelder, Renne, Silver, Ward

Noes: Supervisors Britt, Hongisto, Kennedy, Kopp, Walker

Signed by Mayor Dianne Feinstein September 17, 1985

Effective October 17, 1985

Persons with questions concerning the application or administration
of this ordinance may telephone the Department of City Planning
(415) 558-4656

AN ORDINANCE ADOPTING THE DOWNTOWN PLAN

File 223-84-4

[Downtown Ordinance]

Ordinance 414-85

[Downtown Plan]

AMENDING PART II, CHAPTER II OF THE SAN FRANCISCO MUNICIPAL CODE (CITY PLANNING CODE) BY AMENDING SECTIONS 102.8, 123, 124, 127, 134, 135, 136, 141, 143, 152, 153, 154, 155, 156, 158, 161, 184, 210.3, 212, 215, 216, 219, 223, 227, 235, 260, 270, 271, 304, AND 604; BY DELETING SECTION 126; BY ADDING A NEW SECTION 102.19 AND MAKING CORRESPONDING CHANGES IN SECTION NUMBERS; BY ADDING SECTIONS 128, 132.1, 137, 138, 139, 146, 147, 148, 149, 152.5, 162, 163, 164, 165, 175.1, 175.2, 175.3, 175.4, 248, 249, 263.8, 263.9, 263.10, 272, 309, 315, 320, 321, 322, 323, 324 AND 325; AND BY ADDING ARTICLE 11, ENCOMPASSING SECTIONS 1101 THROUGH 1128, AND APPENDICES A THROUGH J TO PLACE A LIMIT ON THE AMOUNT OF OFFICE DEVELOPMENT THAT MAY BE APPROVED CITYWIDE; TO CHANGE THE REQUIREMENTS FOR THE TRANSFER OF DEVELOPMENT RIGHTS AND TO ESTABLISH NEW TRANSFER OF DEVELOPMENT RIGHTS AUTHORIZATION; TO EFFECT MAJOR CHANGES IN REGULATIONS AFFECTING C-3 DISTRICTS, INCLUDING, BUT NOT LIMITED TO, CHANGING THE FLOOR AREA RATIO AND METHOD OF MEASURING GROSS FLOOR AREA; ELIMINATING THE SECTION 126 BONUS SYSTEM; ESTABLISHING NEW DISTRICTS; AMENDING HEIGHT AND BULK LIMITS; ESTABLISHING DESIGN CONTROLS; AUTHORIZING IMPOSITION OF ADDITIONAL REQUIREMENTS ON DEVELOPMENTS; REQUIRING OFFICE DEVELOPMENTS TO PROVIDE TRANSPORTATION, EMPLOYMENT AND CHILD CARE BROKERAGE SERVICES, TO PROVIDE ON-SITE CHILD CARE OR PAY A FEE, TO PAY A FEE TO BE USED FOR A PUBLIC PARK, AND TO MEET CERTAIN OPEN SPACE REQUIREMENTS; MODIFYING REAR YARD REQUIREMENTS; PROHIBITING NEW PARKING LOTS IN CERTAIN AREAS; REGULATING THE CONVERSION AND DEMOLITION OF DWELLINGS; PERMITTING HIGHER DENSITY IN C-3-G AND C-3-S WITH A CONDITIONAL USE WHEN CERTAIN AFFORDABLE HOUSING IS PROVIDED; CHANGING THE REGULATION OF HOTELS AND OFFICES; CHANGING THE REQUIREMENTS FOR OFF-STREET PARKING AND LOADING SPACES; REQUIRING TOUR BUS LOADING IN CERTAIN HOTELS; DESIGNATING CERTAIN BUILDINGS WHICH MAY NOT BE DEMOLISHED OR ALTERED EXCEPT UNDER CERTAIN CONDITIONS; ALLOWING CERTAIN PROPERTIES TO TRANSFER UNUSED FLOOR AREA; AND CREATING DISTRICTS IN WHICH CONTROLS ARE PLACED ON ALTERATION AND DEMOLITION AND ON SIGNS AND REQUIRING SPECIAL REVIEW OF NEW STRUCTURES; ESTABLISHING PROCEDURES FOR REVIEWING THE DESIGN OF ALL NEW STRUCTURES AND SUBSTANTIAL ALTERATIONS; PROVIDING CERTAIN EXEMPTIONS; AND AMENDING THE ZONING MAP OF THE CITY AND COUNTY OF SAN FRANCISCO TO MODIFY THE BOUNDARIES OF THE C-3 DISTRICTS, TO REMOVE CERTAIN PROPERTIES ON THE EDGES OF THE C-3 DISTRICTS FROM C-3 CLASSIFICATION; TO RECLASSIFY CERTAIN PROPERTY FROM RM-4 TO C-3-G; TO ESTABLISH P DISTRICTS; AND TO ESTABLISH WITHIN SAID C-3 DISTRICTS THE BOUNDARIES FOR THE DOWNTOWN OFFICE SPECIAL DEVELOPMENT DISTRICT AND THE MID-SOUTH OF MARKET SPECIAL USE DISTRICT AND FURTHER AMENDING THE ZONING MAP TO ESTABLISH BOUNDARIES FOR NEW HEIGHT AND BULK DISTRICTS FOR THE AREA WITHIN THE EXTERIOR BOUNDARIES OF THE C-3 DISTRICT AND REPEALING THE LIMIT ON OFFICE DEVELOPMENT AFTER THREE YEARS.

Note: This document contains only those sections added, deleted, or modified.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Part II, Chapter II of the San Francisco Municipal Code (City Planning Code) is hereby amended by amending Sections 102.8, 123, 124, 127, 134, 135, 136, 141, 143, 152, 153, 154, 155, 156, 158, 161, 184, 210.3, 212, 215, 216, 219, 223, 227, 235, 260, 270, 271, 304, and 604; by deleting Section 126; by adding a new Section 102.19 and making corresponding changes in section numbers; by adding Sections 128, 132.1, 137, 138, 139, 146, 147, 148, 149, 152.5, 162, 163, 164, 165, 175.1, 175.2, 175.3, 175.4, 248, 249, 263.8, 263.9, 263.10, 272, 309, 315, 320, 321, 322, 323, and 324 and by adding Article 11, encompassing Sections 1101 through 1123, and Appendices A through J, to read as follows:

SEC. 102.8. Floor Area, Gross. In districts other than C-3, the sum of the gross areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the center lines of walls separating two buildings. Where columns are outside and separated from an exterior wall (curtain wall) which encloses the building space or are otherwise so arranged that the curtain wall is clearly separate from the structural members, the exterior face of the curtain wall shall be the line of measurement, and the area of the columns themselves at each floor shall also be counted.

In C-3 Districts, the sum of the gross areas of the several floors of a building or buildings, measured along the glass line at windows at a height of 4 feet above the finished floor and along a projected straight line parallel to the overall building wall plane connecting the ends of individual windows; provided, however, that such line shall not be inward of the interior face of the wall.

(a) Except as specifically excluded in this definition, gross floor area shall include, although not be limited to, the following:

1. Basement and cellar space, including tenants' storage areas and all other space except that used only for storage or services necessary to the operation or maintenance of the building itself;

2. Elevator shafts, stairwells, exit enclosures and smokeproof enclosures, at each floor;

3. Floor space in penthouses except as specifically excluded in this definition;

4. Attic space (whether or not a floor has been laid) capable of being made into habitable space;

5. Floor space in balconies or mezzanines in the interior of the building;

6. Floor space in open or roofed porches, arcades or exterior balconies, if such porch, arcade or balcony is located above the ground floor or first floor of occupancy above basement or garage and is used as the primary access to the interior space it serves;

7. Floor space in accessory buildings, except for floor spaces used for accessory off-street parking or loading spaces as described in Section 204.5 of this Code, and driveways and maneuvering areas incidental thereto; and

8. Any other floor space not specifically excluded in this definition.

(b) Gross floor area shall not include the following:

1. Basement and cellar space used only for storage or services necessary to the operation or maintenance of the building itself;

2. Attic space not capable of being made into habitable space;

3. Elevator or stair penthouses, accessory water tanks, or cooling towers; and other mechanical equipment, appurtenances and areas, necessary to the operation or maintenance of the building itself, if located at the top of the building or separated therefrom only by other space not included in the gross floor area;

4. Mechanical equipment, appurtenances and areas, necessary to the operation or maintenance of the building itself (i) if located at an intermediate story of the building and forming a complete floor level; or (ii) in C-3 districts, if located on a number of intermediate stories occupying less than a full floor level, provided that the mechanical

equipment, appurtenances and areas are permanently separated from occupied floor areas and in aggregate area do not exceed the area of an average floor as determined by the Zoning Administrator;

5. Outside stairs to the first floor of occupancy at the face of the building which the stairs serve, or fire escapes;

6. Floor space used for accessory off-street parking and loading spaces as described in Section 204.5 of this Code and driveways and maneuvering areas incidental thereto;

7. Arcades, plazas, walkways, porches, breezeways, porticos and similar features (whether roofed or not), at or near street level, accessible to the general public and not substantially enclosed by exterior walls; and accessways to public transit lines, if open for use by the general public; all exclusive of areas devoted to sales, service, display, and other activities other than movement of persons;

8. Balconies, porches, roof decks, terraces, courts and similar features, except those used for primary access as described in Paragraph (a)(6) above, provided that:

(A) If more than 70 percent of the perimeter of such an area is enclosed, either by building walls (exclusive of a railing or parapet not more than three feet eight inches high) or by such walls and interior lot lines, and the clear space is less than 15 feet in either dimension, the area shall not be excluded from gross floor area unless it is fully open to the sky (except for roof eaves, cornices or belt courses which project not more than two feet from the face of the building wall).

(B) If more than 70 percent of the perimeter of such an area is enclosed, either by building walls (exclusive of a railing or parapet not more than three feet eight inches high), or by such walls and interior lot lines, and the clear space is 15 feet or more in both dimensions, (1) the area shall be excluded from gross floor area if it is fully open to the sky (except for roof eaves, cornices or belt courses which project no more than two feet from the face of the building wall), and (2) the area may have roofed areas along its perimeter which are also excluded from gross floor area if the minimum clear open space between any such roof and the opposite wall or roof (whichever is closer) is maintained at 15 feet (with the above exceptions) and the roofed area does not exceed 10 feet in depth; (3) in addition, when the clear open area exceeds 625 square feet, a canopy, gazebo, or similar roofed structure without walls may cover up to 10 percent of such open space without being counted as gross floor area.

(C) If, however, 70 per cent or less of the perimeter of such an area is enclosed by building walls (exclusive of a railing or parapet not more than three feet eight inches high) or by such walls and interior lot lines, and the open side or sides face on a yard, street or court whose dimensions satisfy the requirements of this Code and all other applicable codes for instances in which required windows face upon such yard, street or court, the area may be roofed to the extent permitted by such codes in instances in which required windows are involved;

9. On lower, non-residential floors, elevator shafts and other life support systems serving exclusively the residential uses on the upper floors of a building;

10. One-third of that portion of a window bay conforming to the requirements of Section 136(d)2 which extends beyond the plane formed by the face of the facade on either side of the bay but not to exceed 7 square feet per bay window as measured at each floor;

11. Ground floor area in the C-3-O, C-3-O (SD), C-3-S, and C-3-G districts devoted to building or pedestrian circulation and building service;

12. In the C-3-O, C-3-O (SD), C-3-S, and C-3-G districts, space devoted to personal services, restaurants, and retail sales of goods intended to meet the convenience shopping and service needs of downtown workers and residents, not to exceed 5,000 occupied square feet per use and, in total, not to exceed 75% of the area of the ground floor of the building plus the ground level, on-site open space. Said uses shall be located on the ground floor, except that, in order to facilitate the creation of more spacious ground floor interior spaces, a portion of the said uses, in an amount to be determined

pursuant to the provisions of Section 309, may be located on a mezzanine level;

13. An interior space provided as an open space feature in accordance with the requirements of Section 138;

14. Floor area in C-3 districts devoted to child care facilities provided that:

(A) Allowable indoor space is no more or no less than 3,000 square feet and no more than 6,000 square feet; and

(B) The facilities are made available rent free; and

(C) Adequate outdoor space is provided adjacent, or easily accessible, to the facility. Spaces such as atriums, rooftops or public parks may be used if they meet licensing requirements for child care facilities; and

(D) The space is used for child care for the life of the building as long as there is a demonstrated need. No change in use shall occur without a finding by the City Planning Commission that there is a lack of need for child care and that the space will be used for a facility described in subsection 15 below dealing with cultural, educational, recreational, religious, or social service facilities;

15. Floor area in C-3 districts permanently devoted to cultural, educational, recreational, religious or social service facilities available to the general public at no cost or at a fee covering actual operating expenses, provided that such facilities are:

(A) Owned and operated by a nonprofit corporation or institution, or

(B) Are made available rent free for occupancy only by nonprofit corporations or institutions for such functions; and

16. In C-3 districts, floor space used for short-term parking and aisles incidental thereto when required pursuant to Section 309 in order to replace short-term parking spaces displaced by the building or buildings.

SEC. 102.19. Principal Facades. Exterior walls of a building which are adjacent to or front on a public street, park, or plaza.

SEC. 102.20. Story. That portion of a building, except a mezzanine as defined in the Building Code, included between the surface of any floor and the surface of the next floor above it, or if there is not floor above it, then the space between the surface of the floor and the ceiling next above it.

SEC. 102.21. Story, Ground. The lowest story of a building, other than a basement or cellar as defined in the Building Code.

SEC. 102.22. Street. A right-of-way, 30 feet or more in width, permanently dedicated to common and general use by the public, including any avenue, drive, boulevard, or similar way, but not including any freeway or highway without a general right of access for abutting properties.

SEC. 102.23. Structure. Anything constructed or erected which requires fixed location on the ground or attachment to something having fixed location on the ground.

SEC. 102.24. Structural Alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

SEC. 102.25. Use. The purpose for which land or a structure, or both, are designed, constructed, arranged, or intended, or for which they are occupied or maintained, let or leased.

SEC. 123. MAXIMUM FLOOR AREA RATIO.

(a) The limits upon the floor area ratio of buildings, as defined by this Code, shall be as stated in this section and Sections 124 through 128. The maximum floor area ratio for any building or development shall be equal to the sum of the basic floor area ratio for the

district, as set forth in Section 124 plus any premiums and floor area transfers which are applicable to such building or development under Sections 125, 127 and 128 and as restricted by the provisions of Sections 123(c) and (d) and 124(b) and (j).

(b) No building or structure or part thereof shall be permitted to exceed, except as stated in Sections 172 and 188 of this Code, the floor area ratio limits herein set forth for the district in which it is located.

(c) The amount of TDR that may be transferred to a development lot, as allowed by Section 128, is limited as follows: (1) The gross floor area of a structure on a lot in the C-3-O and C-3-O (SD) districts may not exceed a floor area ratio of 18:1 (2) The gross floor area of a structure on a lot in the C-3-R, C-3-G and C-3-S districts may not exceed a floor area ratio that is one and a half times the basic floor area limit for the district as provided in Section 124.

(d) The gross floor area of a structure on a lot on which is or has been located a Significant or Contributory Building may not exceed the basic floor area ratio limits stated in Section 124 except as provided in Section 128(c)(2).

SEC. 124. BASIC FLOOR AREA RATIO.

(a) Except as provided in Subsections (b), (c) and (e) of this section, the basic floor area ratio limits specified in the following table shall apply to each building or development in the districts indicated.

TABLE 1
Basic Floor Area Ratio Limits

<u>District</u>	<u>Basic Floor Area Ratio Limit</u>
RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-2	1.8 to 1
RM-3	3.6 to 1
RM-4	4.8 to 1
RC-1, RC-2	1.8 to 1
RC-3	3.6 to 1
RC-4	4.8 to 1
C-1, C-2	3.6 to 1
C-3-O	9.0 to 1
C-3-R	6.0 to 1
C-3-G	6.0 to 1
C-3-S	5.0 to 1
C-3-O (SD)	6.0 to 1
C-M	9.0 to 1
M-1, M-2	5.0 to 1

(b) In R districts, the above floor area ratio limits shall not apply to dwellings.

(c) In a C-2 district the basic floor area ratio limit shall be 4.8 to 1 for a lot which is nearer to an RM-4 or RC-4 district than to any other R district, and 10.0 to 1 for a lot which is nearer to a C-3 district than to any R district. The distance to the nearest R district or C-3 district shall be measured from the midpoint of the front line, or from a point directly across the street therefrom, whichever gives the greatest ratio.

(d) In the Automotive Special Use District, as described in Section 237 of this Code, the basic floor area ratio limit shall be 10.0 to 1.

(e) In the Northern Waterfront Special Use Districts, as described in Sections 240 through 240.3 of this Code, the basic floor area ratio limit in any C district shall be 5.0 to 1.

(f) For buildings in C-3-G and C-3-S districts other than those designated as Significant or Contributory pursuant to Article 11 of this Code, additional square footage above that permitted by the base floor area ratio limits set forth above may be approved for construction of dwellings on the site of the building affordable for 20 years to

households whose incomes are within 150 percent of the median income as defined herein, in accordance with the conditional use procedures and criteria as provided in Section 303 of this code.

1. Any dwelling approved for construction under this provision shall be deemed a designated unit as defined below. Prior to the issuance by the Superintendent of the Bureau of Building Inspection (Superintendent) of a site or building permit to construct any designated unit subject to this Section, the permit applicant shall notify the Director of Planning and the Director of Property in writing whether the unit will be an owned or rental unit as defined in Section 313(a) of this Code.

2. Within 60 days after the issuance by the Superintendent of a site or building permit for construction of any unit intended to be an owned unit, the Director of Planning shall notify the City Engineer in writing identifying the intended owned unit, and the Director of Property shall appraise the fair market value of such unit as of the date of the appraisal, applying accepted valuation methods, and deliver a written appraisal of the unit to the Director of Planning and the permit applicant. The permit applicant shall supply all information to the Director of Property necessary to appraise the unit, including all plans and specifications.

3. Each designated unit shall be subject to the provisions of Sections 313(i) of this Code. For purposes of this Subsection and the application of Section 313(i) of this Code to designated units constructed pursuant to this Subsection, the definitions set forth in Section 313(a) shall apply, with the exception of the following definitions, which shall supersede the definitions of the terms set forth in Section 313(a):

(A) "Base price" shall mean 3.25 times the median income for a family of four (4) persons for the County of San Francisco as set forth in California Administrative Code Section 6932 on the date on which a housing unit is sold.

(B) "Base rent" shall mean .45 times the median income for the County of San Francisco as set forth in California Administrative Code Section 6932 for a family of a size equivalent to the number of persons residing in a household renting a designated unit.

(C) "Designated unit" shall mean a housing unit identified and reported to the Director by the sponsor of an office development project subject to this Subsection as a unit that shall be affordable to households of low or moderate income for 20 years.

(D) "Household of low or moderate income" shall mean a household composed of one or more persons with a combined annual net income for all adult members which does not exceed 150% of the qualifying limit for a median income family of a size equivalent to the number of persons residing in such household, as set forth for the County of San Francisco in California Administrative Code Section 6932.

(E) "Sponsor" shall mean an applicant seeking approval for construction of a project subject to this Subsection and such applicants' successors and assigns.

(g) In the Mid-South of Market Special Use District, as described in Section 249.1 of this Code, the basic floor area ratio limit for office uses shall be 2.0 to 1.

(h) The allowable gross floor area on a lot which is the site of an unlawfully demolished building that is governed by the provisions of Article 11 shall be the gross floor area of the demolished building for the period of time set forth in, and in accordance with the provisions of, Section 1114 of this Code, but not to exceed the basic floor area permitted by this Section.

(i) In calculating the permitted floor area of a new structure in a C-3 district, the lot on which an existing structure is located may not be included unless the existing structure and the new structure are made part of a single development complex, the existing structure is or is made architecturally compatible with the new structure, and, if the existing structure is in a Conservation District, the existing structure meets or is made to meet the standards of Section 1109(c), and the existing structure meets or is reinforced to meet the standards for seismic loads and forces of the 1975 Building Code. Determinations under this paragraph shall be made in accordance with the provisions of Section 309.

(j) In calculating allowable gross floor area on a preservation lot from which any TDRs have been transferred pursuant to Section 128, the amount allowed herein shall be decreased by the amount of gross floor area transferred.

SEC. 127. TRANSFER OF PERMITTED BASIC GROSS FLOOR AREA.

(a) When allowed. The maximum permitted gross floor area for any building or development on a lot may be increased by transfer to such lot of basic gross floor area that is permitted under Section 124 of this Code but unbuilt upon an adjacent lot which is occupied by a historical, architectural or aesthetic landmark that has been so designated by the Board of Supervisors pursuant to Article 10 of this Code. For the purposes of this section, an adjacent lot is one which either abuts for a distance not less than 25 feet along a side or rear lot line of the lot to which the basic gross floor area transfer is made (hereinafter referred to as the transferee lot), or would so abut for such a distance if not separated solely by a street or an alley.

(b) Required documentation. No transfer of permitted basic gross floor area shall be effective under this Section unless an instrument, legally sufficient in both form and content to effect such a transfer, has been entered into among all the parties concerned, except that if both the adjacent lot and the transferee lot are in one ownership no such instrument shall be necessary. An attested copy of the said instrument of transfer shall be filed with the Department of City Planning prior to approval by said Department of any building permit application affected by such transfer. In addition, no transfer of permitted basic gross floor area shall be effective under this Section in any case unless a further document in a form approved by the City Attorney has been executed by the parties concerned, and by the Zoning Administrator, and recorded in the office of the County Recorder, serving as a notice of the restrictions under this Section applying both to the adjacent lot and to the transferee lot by virtue of this arrangement for transfer of permitted basic gross floor area. This notice of restrictions shall include a specific reference to the aforesaid instrument of transfer, except where both the adjacent lot and the transferee lot are in the same ownership.

(c) Contents of required documents. Both the instrument of transfer and the notice of restrictions shall specify (1) the amount of permitted basic gross floor area to be transferred, the total amount permitted on the transferee lot by virtue of the transfer, and the remaining amount permitted on the adjacent lot; (2) the duration of the transfer, which shall be specified to be not less than the actual lifetime of any building on the transferee lot whose construction is made possible, in whole or in part, by the transfer; (3) the effects of any subsequent changes in the basic floor area ratio limit under this Code upon the permitted basic gross floor area for both lots; and (4) the effects of any subsequent changes in the size of either lot, whether by virtue of conveyance, condemnation or otherwise, upon the permitted basic gross floor area for both lots.

(d) Limitations. No transfer of permitted gross floor area shall serve to increase the total gross floor area permitted under this Code on the adjacent lot and the transferee lot taken together, either presently or prospectively. No building permit application shall be approved by the Department of City Planning at any time, nor shall any building permit be issued by any City department at any time, if the result of such approval or issuance would be to increase the total permitted gross floor area of both such lots taken together above such total as calculated on the basis of the floor area ratio limits prevailing at that time for such lots.

(e) Completed transfers. Any transfer of permitted gross floor area completed prior to the effective date of this section shall be effective notwithstanding the location of the transferee lot outside the C-3-O district and notwithstanding the aggregate transfer of more than one-half the gross floor area permitted on the adjacent lot under the basic floor area ratio limit, provided all other conditions of this section have been met.

(f) Any restrictions or limitations imposed upon any lot by virtue of the transfer of gross floor area permitted by this section shall remain in effect notwithstanding an amendment of this section which removes authorization for such a transfer.

SEC. 128. TRANSFER OF DEVELOPMENT RIGHTS IN C-3 DISTRICTS.

(a) Definitions.

1. Development Lot: A lot to which TDR may be transferred to increase the allowable gross floor area of development thereon beyond that otherwise permitted by Section 124.

2. Owner of record: The owner or owners of record in fee.

3. Preservation Lot: A parcel of land on which is either (i) a Significant or Contributory Building (as designated pursuant to Article 11); or (ii) a Category V building that has complied with the eligibility requirement for transfer of TDR as set forth in Section 1109(c); or (iii) a structure designated a landmark pursuant to Article 10 of this Code. The boundaries of the Preservation Lot shall be the boundaries of the Assessor's lot on which the building is located at the time the ordinance or, as to Section 1109(c), resolution, making the designation is adopted unless boundaries are otherwise specified in the ordinance.

4. Transfer Lot: A Preservation Lot located in a C-3 District from which TDR may be transferred. A lot zoned P (public) may in no event be a Transfer Lot.

5. Transferable Development Rights (TDR): Units of gross floor area which may be transferred, pursuant to the provisions of this Section and Article 11 of this Code, from a Transfer Lot to increase the allowable gross floor area of a development on a Development Lot.

6. Unit of TDR: One unit of TDR is one square foot of gross floor area.

(b) Amount of TDR Available for Transfer. The maximum TDR available for transfer from a Transfer Lot consists of the difference between (aa) the allowable gross floor area permitted on the Transfer Lot by Section 124 and (bb) the gross floor area of the development located on the Transfer Lot.

(c) Eligibility of Development Lots and Limitation on Use of TDR on Development Lots. TDR may be used to increase the allowable gross floor area of a development on a Development Lot if the following requirements and restrictions are satisfied:

1. (i) The Transfer Lot and the Development Lot are located in the same C-3 Zoning District, or (ii) the Transfer Lot is located in a C-3-0 or C-3-R District and the Development Lot is located in the C-3-0(SD) Special Development District; or (iii) the Transfer Lot is a Preservation Lot that contains a Significant building and is located in a C-3-G or C-3-S District and the Development Lot is located in the C-3-0(SD) Special District.

2. TDR may not be transferred for use on any lot on which is or has been located a Significant or Contributory building; provided that this restriction shall not apply if the designation of a building is changed to Unrated; nor shall it apply if the City Planning Commission finds that the additional space resulting from the transfer of TDR is essential to make economically feasible the reinforcement of a Significant or Contributory building to meet the standards for seismic loads and forces of the 1975 Building Code, in which case TDR may be transferred for that purpose subject to the limitations of this section and Article 11, including Section 1111.6. Any alteration shall be governed by the requirements of Sections 1111 to 1111.6.

3. Notwithstanding any other provision of this Section, development on a Development Lot is limited by the provisions of this Code, other than those on floor area ratio, governing the approval of projects, including the requirements relating to height, bulk, setback, sunlight access, and separation between towers, and any limitations imposed pursuant to Section 309 review applicable to the Development Lot. The total allowable gross floor area of a development on a Development Lot may not exceed the limitation imposed by Section 123(c).

(d) Effect of Transfer of TDR.

1. Transfer of TDR from a Transfer Lot permanently reduces the development potential of the Transfer Lot by the amount of the TDR transferred. In addition, transfer of TDR from a Preservation Lot containing a Contributory building or a landmark designated pursuant to Article 10 causes such building to become subject to the same

restrictions on demolition and alteration, and the same penalties and enforcement remedies, that are applicable to Significant buildings Category I, as provided in Article 11.

(e) Procedure for Determining TDR Eligibility

1. In order to obtain a determination of whether a lot is a Transfer Lot and, if it is, of the amount of TDR available for transfer, the owner of record of the lot may file an application with the Zoning Administrator for a Statement of Eligibility. The application for a Statement of Eligibility shall contain or be accompanied by plans and drawings and other information which the Zoning Administrator determines is necessary in order to determine whether a Statement of Eligibility can be issued. Any person who applies for a Statement of Eligibility prior to expiration of the time for request of reconsideration of designation authorized in Section 1105 shall submit in writing a waiver of the right to seek such reconsideration.

2. The Zoning Administrator shall, upon the filing of an application for a Statement of Eligibility and the submission of all required information, issue either a proposed Statement of Eligibility or a written determination that no TDR are available for transfer and shall mail that document to the applicant and to any other person who has filed with the Zoning Administrator a written request for a copy. Any appeal of the proposed Statement of Eligibility or determination of non-eligibility shall be filed with the Board of Permit Appeals within 20 days of the date of issuance of the document. If not appealed, the proposed Statement of Eligibility or the determination of non-eligibility shall become final on the 21st day after the date of issuance. The Statement of Eligibility shall contain at least the following information: (i) the name of the owner of record of the Transfer Lot; (ii) the address, legal description and Assessor's Block and Lot of the Transfer Lot; (iii) the C-3 use district within which the Transfer Lot is located; (iv) whether the Transfer Lot is a Preservation Lot or Development Lot; (v) if a Preservation Lot, whether the Transfer Lot contains a Significant or Contributory Building, a Category V building, or an Article 10 landmark; (vi) the amount of TDR available for transfer; and (vii) the date of issuance.

3. Once the proposed Statement of Eligibility becomes final, whether through lack of appeal or after appeal, the Zoning Administrator shall record the Statement of Eligibility in the Office of the County Recorder. The County Recorder shall be instructed to mail the original of the recorded document to the owner of record of the Transfer Lot and, if a copy of the document is presented at the time of the recordation, shall conform the copy and mail it to the Zoning Administrator.

(f) Cancellation of Eligibility.

1. If reasonable grounds should at any time exist for determining that a building on a Preservation Lot may have been altered or demolished in violation of Articles 10 or 11, including Sections 1110 and 1112 thereof, the Zoning Administrator may issue and record with the County Recorder a Notice of Suspension of Eligibility for the affected lot and, in cases of demolition of a Significant or Contributory building, a notice that the restriction on the floor area ratio of a replacement building, pursuant to Section 1114, may be applicable and shall mail a copy of such notice to the owner of record of the lot. The notice shall provide that the property owner shall have 20 days from the date of the notice in which to request a hearing before the Zoning Administrator in order to dispute this initial determination. If no hearing is requested, the initial determination of the Zoning Administrator is deemed final on the 21st day after the date of the notice, unless the Zoning Administrator has determined that the initial determination was in error.

2. If a hearing is requested, the Zoning Administrator shall notify the property owner of the time and place of hearing, which shall be scheduled within 21 days of the request, shall conduct the hearing, and shall render a written determination within 15 days after the close of the hearing. If the Zoning Administrator shall determine that the initial determination was in error, that officer shall issue and record a Notice of Revocation of Suspension of Eligibility. Any appeal of the determination of the Zoning Administrator shall be filed with the Board of Permit Appeals within 20 days of the date of the written determination following a hearing or, if no hearing has been requested, within 20 days

after the initial determination becomes final.

3. If after an appeal to the Board of Permit Appeals it is determined that an unlawful alteration or demolition has occurred, or if no appeal is taken of the determination by the Zoning Administrator of such a violation, the Zoning Administrator shall record in the Office of the County Recorder a Notice of Cancellation of Eligibility for the lot, and shall mail to the property owner a conformed copy of the recorded Notice. In the case of demolition of a Significant or Contributory building, the Zoning Administrator shall record a Notice of Special Restriction noting the restriction on the floor area ratio of the Preservation Lot pursuant to the provisions of Section 114, and shall mail to the owner of record a certified copy of the Notice. If after an appeal to the Board of Permit Appeals it is determined that no unlawful alteration or demolition has occurred, the Zoning Administrator shall issue and record a Notice of Revocation of Suspension of Eligibility and, if applicable, a Notice of Revocation of the Notice of Special Restriction pursuant to Section 114, and shall mail conformed copies of the recorded notices to the owner of record.

4. No notice recorded under this Section 128(f) shall affect the validity of TDR that have been transferred from the affected Transfer Lot in compliance with the provisions of this Section prior to the date of recordation of such notice, whether or not such TDR have been used.

(g) Procedure for Transfer of TDR.

1. TDR from a single Transfer Lot may be transferred as a group to a single transferee or in separate increments to several transferees. TDR may be transferred either directly from the original owner of the TDR to the owner of a Development Lot or to persons, firms or entities who acquire the TDR from the original owner of the TDR and hold them for subsequent transfer to other persons, firms, entities or to the owners of a Development Lot or Lots.

2. When TDR are transferred, they shall be identified in each Certificate of Transfer by a number. A single unit of TDR transferred from a Transfer Lot shall be identified by the number "1". Multiple units of TDR transferred as a group for the first time from a Transfer Lot shall be numbered consecutively from "1" through the number of units transferred. If a fraction of a unit of TDR is transferred, it shall retain its numerical identification. (For example, if 5,000-1/2 TDR are transferred in the initial transfer from the Transfer Lot, they would be numbered "1 through 5,000 and one-half of 5,001.") TDR subsequently transferred from the Transfer Lot shall be identified by numbers taken in sequence following the last number previously transferred. (For example if the first units of gross floor area transferred from a Transfer Lot are numbered 1 through 10,000, the next unit transferred would be number 10,001.) If multiple units transferred from a Transfer Lot are subsequently transferred separately in portions, the seller shall identify the TDR sold by numbers which correspond to the numbers by which they were identified at the time of their transfer from the Transfer Lot. (For example, TDR numbered 1 through 10,000 when transferred separately from the Transfer Lot in two equal portions would be identified in the two Certificates of Transfer as numbers 1 through 5,000 and 5,001 through 10,000.) Once assigned numbers, TDR retain such numbers for the purpose of identification through the process of transferring and using TDR. The phrase "numerical identification," as used in this section, shall mean the identification of TDR by numbers as described in this subsection.

3. Transfer of TDR from the Transfer Lot shall not be valid unless (i) a Statement of Eligibility has been recorded in the Office of the County Recorder prior to the date of recordation of the Certificate of Transfer evidencing such transfer and (ii) a Notice of Suspension of Eligibility or Notice of Cancellation of Eligibility has not been recorded prior to such transfer or, if recorded, has thereafter been withdrawn by an appropriate recorded Notice of Revocation or a new Statement of Eligibility has been thereafter recorded.

4. Transfer of TDR, whether by initial transfer from a Transfer Lot or by a subsequent transfer, shall not be valid unless a Certificate of Transfer evidencing such

transfer has been prepared and recorded. The Zoning Administrator shall prepare a form of Certificate of Transfer and all transfers shall be evidenced by documents that are substantially the same as the Certificate of Transfer form prepared by the Zoning Administrator, which form shall contain at least the following:

(i) for transfers from the Transfer Lot only:

(aa) execution and acknowledgement by the original owner of TDR as the transferor(s) of the TDR; and

(bb) execution and acknowledgement by the Zoning Administrator; and

(cc) a notice, prominently placed and in all capital letters, preceded by the underlined heading "Notice of Restriction," stating that the transfer of TDR from the Transfer Lot permanently reduces the development potential of the Transfer Lot by the amount of TDR transferred, with reference to the provisions of this section.

(ii) for all transfers:

(aa) the address, legal description, Assessor's Block and Lot, and C-3 use district of the Transfer Lot from which the TDR originates; and

(bb) the amount of TDR transferred; and

(cc) numerical identification of the TDR being transferred; and

(dd) the names and mailing addresses of the transferors and transferees of the TDR; and

(ee) execution and acknowledgement by the transferors and transferees of the TDR; and

(ff) a reference to the Statement of Eligibility, including its recorded instrument number and date of recordation, and a recital of all previous transfers of the TDR, including the names of the transferors and transferees involved in each transfer and the recorded instrument number and date of recordation of each Certificate of Transfer involving the TDR, including the transfer from the Transfer Lot which generated the TDR.

5. When a Certificate of Transfer for the transfer of TDR from a Transfer Lot is presented to the Zoning Administrator for execution, that officer shall not execute the document if a transfer of the TDR would be prohibited by any provision of this Section or any other provision of this Code. The Zoning Administrator shall, within 5 business days from the date that the Certificate of Transfer is submitted for execution, either execute the Certificate of Transfer or issue a written determination of the grounds requiring a refusal to execute the Certificate.

6. Each duly executed and acknowledged Certificate of Transfer containing the information required herein shall be presented for recordation in the Office of the County Recorder and shall be recorded by the County Recorder. The County Recorder shall be instructed to mail the original Certificate of Transfer to the person and address designated thereon and shall be given a copy of the Certificate of Transfer and instructed to conform the copy and mail it to the Zoning Administrator.

(h) Certification of Transfer of TDR for a Project on a Development Lot.

1. When the use of TDR is necessary for the approval of a building permit for a project on a Development Lot, the Superintendent of the Bureau of Building Inspection shall not approve issuance of the permit unless the Zoning Administrator has issued a written certification that the owner of the Development Lot owns the required number of TDR. When the transfer of TDR is necessary for the approval of a site permit for a project on a Development Lot, the Zoning Administrator shall impose as a condition of approval of the site permit the requirement that the Superintendent of the Bureau of Building Inspection shall not issue the first addendum to the site permit unless the Zoning Administrator has issued a written certification that the owner of the Development Lot owns the required number of TDR.

2. In order to obtain certification as required in Section 128(h)1, the permit applicant shall present to the Zoning Administrator:

(i) information necessary to enable the Zoning Administrator to prepare the Notice of Use of TDR, which information shall be at least the following:

(aa) the address, legal description, Assessor's Block and Lot, and zoning

classification of the Development Lot;

(bb) the name and address of the owner of record of the Development Lot;

(cc) amount and numerical identification of the TDR being used;

(dd) a certified copy of each Certificate of Transfer evidencing transfer to the owner of the Development Lot of the TDR being used; and

(ii) A report from a title insurance company showing the holder of record of the TDR to be used, all Certificates of Transfer of the TDR, and all other matters of record affecting such TDR. In addition to showing all such information, the report shall guarantee that the report is accurate and complete and the report shall provide that in the event that its guarantee or any information shown in the report is incorrect, the title company shall be liable to the City for the fair market value of the TDR at the time of the report. The liability amount shall be not less than \$10,000 and no more than \$1,000,000, the appropriate amount to be determined by the Zoning Administrator based on the number of TDR being used.

(iii) An agreement whereby the owner of the Development Lot shall indemnify the City against any and all loss, cost, harm or damage, including attorneys' fees, arising out of or related in any way to the assertion of any adverse claim to the TDR, including any loss, cost, harm or damage occasioned by the passive negligence of the City and excepting only that caused by the City's sole and active negligence. The indemnity agreement shall be secured by a first deed of trust on the Development Lot, or other security satisfactory to the Department of City Planning and the City Attorney.

3. If the Zoning Administrator determines that the project applicant has complied with the provisions of subsection (h)(2) and all other applicable provisions of this section, and that the applicant is the owner of the TDR, that officer shall transmit to the Superintendent of the Bureau of Building Inspection, with a copy to the project applicant, written certification that the owner of the Development Lot own the TDR. Prior to transmitting such certification, the Zoning Administrator shall prepare a document entitled Notice of Use of TDR stating that the TDR have been used and may not be further transferred, shall obtain the execution and acknowledgment on the Notice of the owner of record of the Development Lot, shall execute and acknowledge the Notice, shall record it in the Office of the County Recorder, and shall mail to the owner of record of the Development Lot a conformed copy of the recorded Notice. If the Zoning Administrator determines that the project applicant is not the owner of the TDR, or has not complied with all applicable provisions of this section, that determination shall be set forth in writing along with the reasons therefor. The Zoning Administrator shall either transmit certification or provide a written determination that certification is inappropriate within 10 business days after the receipt of all information required pursuant to subsection (h)(2).

(i) Cancellation of Notice of Use; Transfer from Development Lot.

1. The owner of a Development Lot for which a Notice of Use of TDR has been recorded may apply for a Cancellation of Notice of Use if (i) the building permit or site permit for which the Notice of Use was issued expires or was revoked or cancelled prior to completion of the work for which such permit was issued and the work may not be carried out; or (ii) any administrative or court decision is issued or any ordinance or initiative or law is adopted which does not allow the applicant to make use of the permit or (iii) a portion or all of such TDR are not used.

2. If the Zoning Administrator determines that the TDR have not been and will not be used on the Development Lot based on the reasons set forth in subsection (i)(1), the Zoning Administrator shall prepare the Cancellation of Notice of Use of TDR. If only a portion of the TDR which had been acquired are not being used, the applicant may identify which TDR will not be used and the Cancellation of Notice of Use of TDR shall apply only to those TDR. The Zoning Administrator shall obtain on the Cancellation of Notice of Use of TDR the signature and acknowledgment of the owner of record of the Development Lot as to which the Notice of Use of TDR was recorded, shall execute and

acknowledge the document, and shall record it in the office of the County Recorder.

3. Once a Cancellation of Notice of Use of TDR has been recorded, the owner of the Development Lot may apply for a Statement of Eligibility in order to transfer the TDR identified in that document. The procedures and requirements set forth in this Section governing the transfer of TDR shall apply to the transfer of TDR from the owner of a Development Lot after a Notice of Use has been filed, except for the provisions of this Section permanently restricting the development potential of a Transfer Lot upon the transfer of TDR; provided, however, that the district or districts to which the TDR may be transferred shall be the same district or districts to which TDR could have been transferred from the Transfer Lot that generated the TDR.

(j) Erroneous Notice of Use; Revocation of Permit If the Zoning Administrator determines that a Notice of Use of TDR was issued or recorded in error, that officer may direct the Superintendent of the Bureau of Building Inspection to suspend any permit issued for a project using such TDR, in which case the Superintendent shall comply with that directive. The Zoning Administrator shall thereafter conduct a noticed hearing in order to determine whether the Notice of Use of TDR was issued or recorded in error. If it is determined that the Notice of Use of TDR was issued or recorded in error, the Superintendent of the Bureau of Building Inspection shall revoke the permit; provided, however, that no permit authorizing such project shall be revoked if the right to proceed thereunder has vested under California law. If it is determined that the Notice of Use of TDR was not issued or recorded in error, the permit shall be reinstated.

(k) Effect of Repeal or Amendment. TDR shall convey the rights granted herein only so long and to the extent as authorized by the provisions of this Code. Upon repeal of such legislative authorization, TDR shall thereafter convey no rights or privileges. Upon amendment of such legislative authorization, TDR shall thereafter convey only such rights and privileges as are permitted under the amendment.

SEC. 132.1 SETBACKS; C-3 DISTRICTS

(a) Upper-Level Setbacks. Setbacks of the upper parts of a building abutting a public sidewalk in any C-3 district may be required, in accordance with the provisions of Section 309, as deemed necessary:

1. to preserve the openness of the street to the sky and to avoid the perception of overwhelming mass that would be created by a number of tall buildings built close together, with unrelieved vertical rise; or

2. to maintain the continuity of a predominant street wall along the street, provided however, that the setback required pursuant to this paragraph may not exceed the following dimensions:

DEPTH OF SETBACK (in feet)

Height of Street Wall in Feet	Street Width			
	64'- 67'	68'- 71'	72'- 75'	76'- 80'
68 or less	18	20	22	24
69 - 81	14	16	18	20
82 - 94	10	12	14	16
95 -107	8	10	12	14
108-120	6	8	10	12

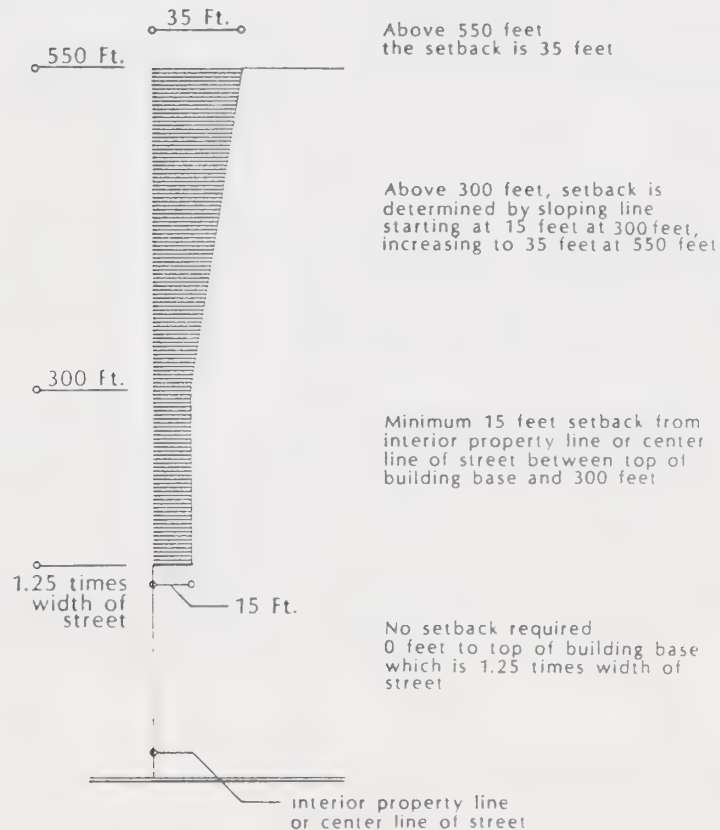
(b) Market Street Setback. In order to preserve the predominant street wall, structures on the southeast side of Market Street between the southerly extension of the easterly line of the Powell Street right of way and Tenth Street shall be set back 25 feet from the Market Street property line at 90 feet.

(c) Separation of Towers.

1. Requirement. In order to provide light and air between structures, all

structures in the S bulk district shall be set back from an interior property line which does not abut a public sidewalk and from the property line abutting the right of way of a public street or alley. The setback shall be a minimum of 15 horizontal feet measured from the interior property line or the center of a public right-of-way, as the case may be, beginning at a height which is 1.25 times the width of the principal street on which the building faces, and increasing to the widths indicated in Chart A as the building increases in height.

CHART A
SEPARATION BETWEEN TOWERS



2. Exceptions. Exceptions to the requirements of paragraph (c)1 above may be allowed in accordance with the provisions of Section 309 as provided below:

(A) Encroachments of building volume on the setback may be approved as follows: (i) for the portion of the building over 300 feet from the ground, encroachments may be allowed provided that (1) there are compensating recesses beyond the required setback below and within approximately 100 vertical feet of the encroachment, which recesses are at least equal in volume to the volume of the encroachment, and (2) it is found that, overall, access to light and air and the appearance of separation between buildings will not be impaired; and (ii) between the top of the base and 300 feet above the ground encroachments may be allowed provided that (1) there are compensating recesses beyond the required setback at the same level or within approximately 50 vertical feet above or below the encroachment, which recesses are at least equal in volume to the volume of the encroachment, (2) that the encroachment extends no more than 5 feet horizontally into the area otherwise required for a setback, (3) the encroachment extends for less than one-third of the horizontal length of the structure, and (4) it is found that,

overall, access to light and air and the appearance of separation between buildings will not be impaired.

(B) Exceptions may be allowed to the extent that it is determined that restrictions on adjacent properties make it unlikely that development will occur at a height or bulk which will, overall, impair access to light and air or the appearance of separation between buildings, thereby making full setbacks unnecessary.

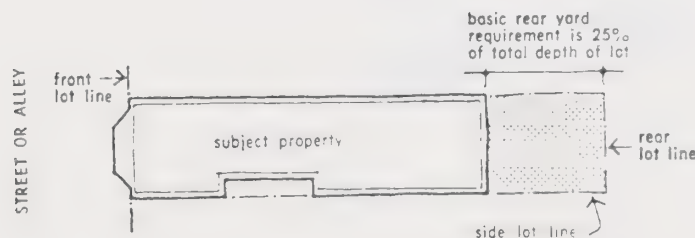
(C) Exceptions may be allowed on lots with a frontage of less than 75 feet provided that (i) it is found that, overall, access to light and air will not be impaired and (ii) the granting of the exception will not result in a group of buildings the total street frontage of which is greater than 125 feet without a separation between buildings which meets the requirements of Chart A.

(d) Permitted Obstructions. Obstructions above the horizontal plane or planes of the setback required pursuant to subsections (a), (b) and (c) which will create limited blockage of light and air and which will not be inconsistent with the purpose of the setback may be permitted within the set-back area, in accordance with the provisions of Section 309. Such obstructions may include, but are not limited to, open railings, decorative spires and finials, flag poles and flags, sparse landscaping, unroofed recreation facilities with open fencing, and unenclosed seating areas.

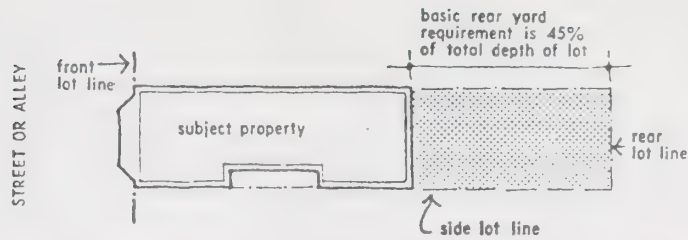
SEC. 134. REAR YARDS, R, C AND M DISTRICTS. The following requirements for rear yards shall apply to every building in an R district and to every dwelling in a C or M district. These requirements are intended to assure the protection and continuation of established mid-block, landscaped open spaces, and maintenance of a scale of development appropriate to each district, consistent with the location of adjacent buildings.

(a) Basic requirements. The basic rear yard requirements shall be as follows for the districts indicated. Such rear yards shall be provided at grade level and at each succeeding level or story of the building; except that in RC-2, RC-3, RC-4, C and M districts such rear yards shall be provided at the lowest story occupied as a dwelling at the rear of the building, and at each succeeding story of the building.

1. RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC-1, RC-2, RC-3, RC-4, C and M districts. The minimum rear yard depth shall be equal to 25 percent of the total depth of the lot on which the building is situated, but in no case less than 15 feet.



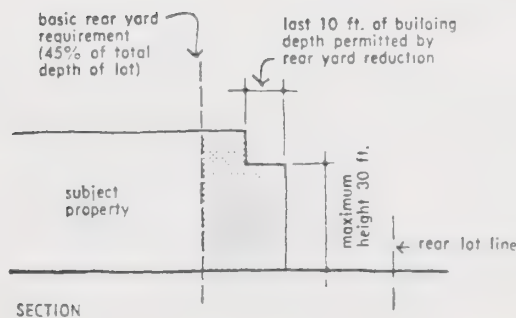
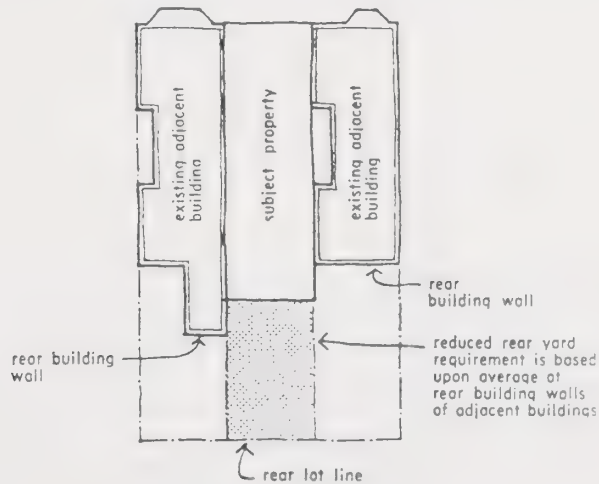
2. RH-2, RH-3, RM-1 and RM-2 districts. The minimum rear yard depth shall be equal to 45 percent of the total depth of the lot on which the building is situated, except to the extent that a reduction in this requirement is permitted by Subsection (c) below.



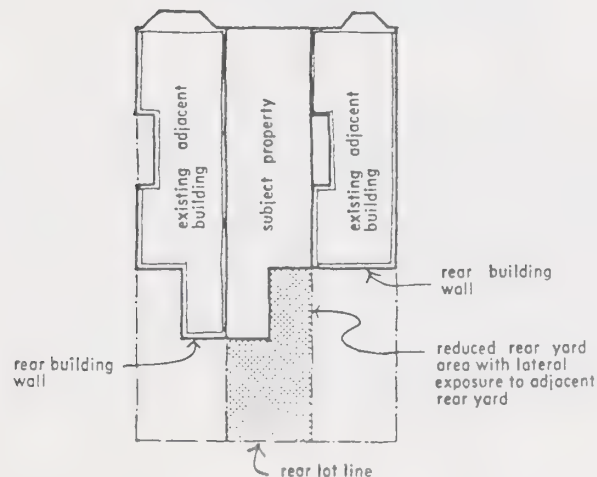
(b) Permitted obstructions. Only those obstructions specified in Section 136 of this Code shall be permitted in a required rear yard, and no other obstruction shall be constructed, placed or maintained within any such yard. No motor vehicle, trailer, boat or other vehicle shall be parked or stored within any such yard, except as specified in Section 136.

(c) Reduction of requirements in RH-2, RH-3, RM-1 and RM-2 districts. The rear yard requirement in RH-2, RH-3, RM-1 and RM-2 districts, as stated in Paragraph (a)2 above, shall be reduced in specific situations as described in this Subsection (c), based upon conditions on adjacent lots. Under no circumstances, however, shall the minimum rear yard be thus reduced to less than a depth equal to 25 per cent of the total depth of the lot on which the building is situated, or to less than 15 feet, whichever is greater.

1. General rule. In such districts, the forward edge of the required rear yard shall be reduced to a line on the subject lot, parallel to the rear lot line of such lot, which is an average between the depths of the rear building walls of the two adjacent buildings. Provided, that in any case in which a rear yard requirement is thus reduced, the last 10 feet of building depth thus permitted on the subject lot shall be limited to a height of 30 feet, measured as prescribed by Section 260 of this Code, or to such lesser height as may be established by Section 261 of this Code.



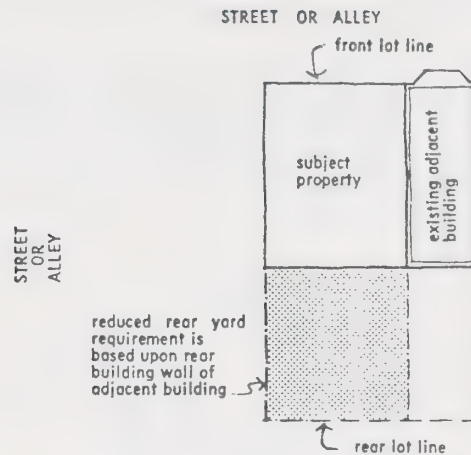
2. Alternative method of averaging. If, under the rule stated in Paragraph (c)1 above, a reduction in the required rear yard is permitted, the reduction may alternatively be averaged in an irregular manner; provided that the area of the resulting reduction shall be no more than the product of the width of the subject lot along the line established by Paragraph (c)1 above times the reduction in depth of rear yard permitted by Paragraph (c)1; and provided further that all portions of the open area on the part of the lot to which the rear yard reduction applies shall be directly exposed laterally to the open area behind the adjacent building having the lesser depth of its rear building wall.



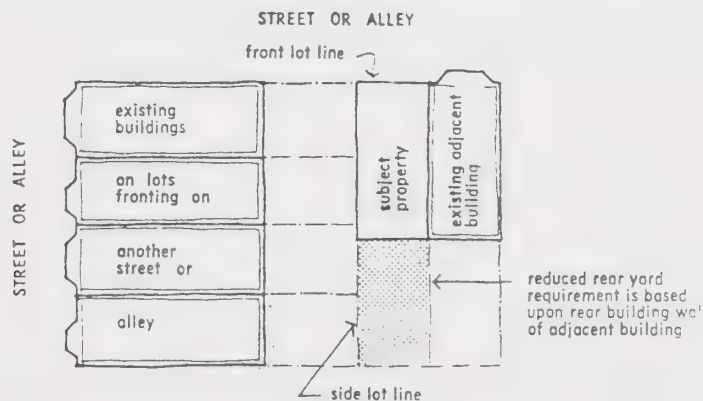
3. Method of measurement. For purposes of this Subsection (c), an adjacent building shall mean a building on a lot adjoining the subject lot along a side lot line. In all cases the location of the rear building wall of an adjacent building shall be taken as the line of greatest depth of any portion of the adjacent building which occupies at least 1/2 the width between the side lot lines of the lot on which such adjacent building is located, and which has a height of at least 20 feet above grade, or two stories, whichever is less; excluding all permitted obstructions listed for rear yards in Section 136 of this Code. Where a lot adjoining the subject lot is vacant, or contains no dwelling or group housing structure, or is located in an RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC, C, M or P district, such adjoining lot shall, for purposes of the calculations in this Subsection (c), be considered to have an adjacent building upon it whose rear building wall is at a depth equal to 75 percent of the total depth of the subject lot.

4. Applicability to special lot situations. In the following special lot situations, the general rule stated in Paragraph (c)1 above shall be applied as provided in this Paragraph (c)4, and the required rear yard shall be reduced if conditions on the adjacent lot or lots so indicate and if all other requirements of this Section 134 are met.

(A) Corner lots and lots at alley intersections. On a corner lot as defined by this Code, or a lot at the intersection of a street and an alley or two alleys, the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the one adjacent building.



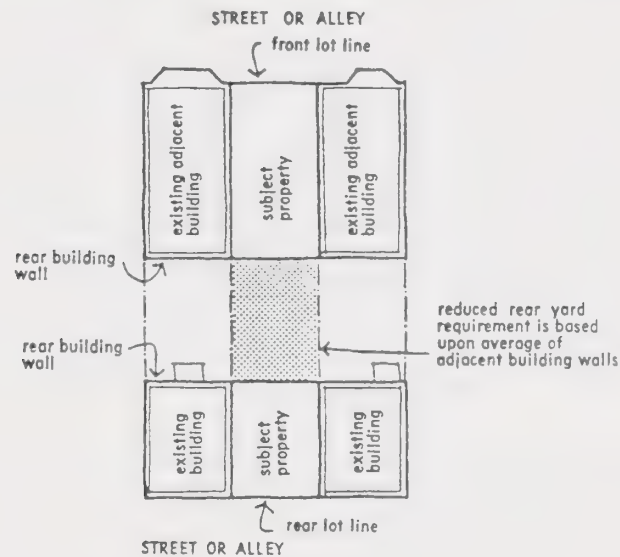
(B) Lots abutting properties with buildings that front on another street or alley. In the case of any lot that abuts along one of its side lot lines upon a lot with a building that fronts on another street or alley, the lot on which it so abuts shall be disregarded, and the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the one adjacent building fronting on the same street or alley. In the case of any lot that abuts along both its side lot lines upon lots with buildings that front on another street or alley, both lots on which it so abuts shall be disregarded, and the minimum rear yard depth for the subject lot shall be equal to 25 percent of the total depth of the subject lot, or 15 feet, whichever is greater.



(C) Through lots abutting properties that contain two buildings. Where a lot is a through lot having both its front and its rear lot line along streets, alleys, or a street and an alley, and both adjoining lots are also through lots, each containing two dwellings or group housing structures that front at opposite ends of the lot, the subject through lot may also have two buildings according to such established pattern, each fronting at one end of the lot, provided all the other requirements of this Code are met. In such cases the rear yard required by this Section 134 for the subject lot shall be located in the central portion of the lot, between the two buildings on such lot, and the depth of the rear wall of each building from the street or alley on which it fronts shall be established by the average of the depths of the rear building walls of the adjacent buildings fronting on that street or alley. In no case, however, shall the total minimum rear yard for the subject lot

be thus reduced to less than a depth equal to 25 percent of the total depth of the subject lot, or to less than 15 feet, whichever is greater. Furthermore, in all cases in which this Subparagraph (c)4(C) is applied, the requirements of Section 132 of this Code for front set-back areas shall be applicable along both street or alley frontages of the subject through lot.

(d) Reduction of requirements in C-3 districts. In C-3 districts, an exception to the rear yard requirements of this section may be allowed, in accordance with the provisions of Section 309, provided that the building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided.



(e) [subsection (e) is reserved]

(f) Reduction of requirements in the North of Market Special Use District. The rear yard requirement may be substituted with an equivalent amount of open space situated anywhere on the site provided that the Zoning Administrator determines that all of the following criteria are met:

1. The substituted open space in the proposed new or expanding structure will improve the access of light and air to and views from existing abutting properties; and
2. The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of existing abutting properties.

This provision shall be administered pursuant to the notice and hearing procedures which are applicable to variances as set forth in Section 306.1 through 306.5 and 308.2.

SEC. 135. USABLE OPEN SPACE, R, C, AND M DISTRICTS. Except as provided in Sections 172 and 188 of this Code, usable open space shall be provided for each dwelling and each group housing structure in R, C and M districts according to the standards set forth in this section.

(a) Character of space provided. Usable open space shall be composed of an outdoor area or areas designed for outdoor living, recreation or landscaping, including such areas on the ground and on decks, balconies, porches and roofs, which are safe and suitably surfaced and screened, and which conform to the other requirements of this section. Such area or areas shall be on the same lot as the dwelling units (or bedrooms in group housing) they serve, and shall be designed and oriented in a manner that will make the best practical use of available sun and other climatic advantages. "Private usable open space" shall mean an area or areas private to and designed for use by only one dwelling unit (or bedroom in group housing). "Common usable open space" shall mean an area or areas designed for use jointly by two or more dwelling units (or bedrooms in group housing).

(b) Access. Usable open space shall be as close as is practical to the dwelling unit (or bedroom in group housing) for which it is required, and shall be accessible from such dwelling unit or bedroom as follows:

1. Private usable open space shall be directly and immediately accessible from such dwelling unit or bedroom; and shall be either on the same floor level as such dwelling unit or bedroom, with no more than one story above or below such floor level with convenient private access.

2. Common usable open space shall be easily and independently accessible from such dwelling unit or bedroom, or from another common area of the building or lot.

c. Permitted obstructions. In the calculation of either private or common usable open space, those obstructions listed in Section 136 of this Code for usable open space shall be permitted.

d. Amount required. Usable open space shall be provided for each building in the amounts specified herein and in the following table for the district in which the building is located.

1. For dwellings, except as provided in Paragraph (d)3 below, the minimum amount of usable open space to be provided for use by each dwelling unit shall be as specified in the second column of the table if such usable open space is all private. Where common usable open space is used to satisfy all or part of the requirement for a dwelling unit, such common usable open space shall be provided in an amount equal to 1.33 square feet for each one square foot of private usable open space specified in the second column of the table. In such cases, the balance of the required usable open space may be provided as private usable open space, with full credit for each square foot of private usable open space so provided.

2. For group housing structures, the minimum amount of usable open space provided for use by each bedroom shall be 1/3 the amount required for a dwelling unit as specified in Paragraph (d)1 above. For purposes of these calculations, the number of bedrooms on a lot shall in no case be considered to be less than one bedroom for each two beds. Where the actual number of beds exceeds an average of two beds for each bedroom, each two beds shall be considered equivalent to one bedroom.

3. For dwellings specifically designed for and occupied by senior citizens or physically handicapped persons, as defined and regulated by Section 209.1(m) of this Code, the minimum amount of usable open space to be provided for use by each dwelling unit shall be 1/2 the amount required for each dwelling unit as specified in Paragraph (d)1 above.

TABLE 3

Minimum Usable Open Space

District	<u>Square feet of Usable Open Space Required for Each Dwelling Unit If All Private</u>	<u>Ratio of Common Usable Open Space that May be Substituted for Private</u>
RH-1(D), RH-1	300	1.33
RH-1(S)	300 for first unit; 100 for minor second unit	1.33
RH-2	125	1.33
RH-3	100	1.33
RM-1, RC-1	100	1.33
RM-2, RC-2	80	1.33
RM-3, RC-	60	1.33
RM-4 RC-4, C-3	36	1.33
C-M, M-1, M-2		
C-1, C-2	Same as for the R district establishing the dwelling unit density ratio for the C-1 or C-2 district property	

(e) Slope. The slope of any area credited as either private or common usable open space shall not exceed five percent.

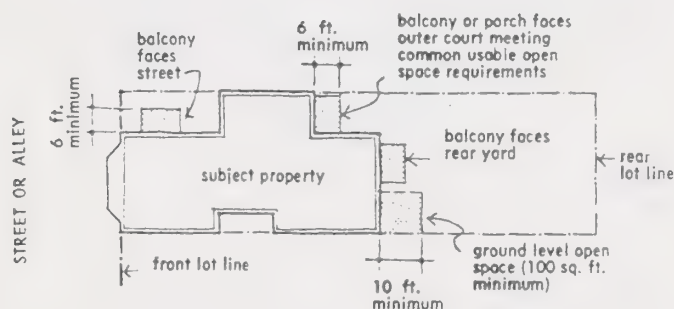
(f) Private usable open space: additional standards.

1. Minimum dimensions and minimum area. Any space credited as private usable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 square feet if located on a deck, balcony, porch or roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 square feet if located on open ground, a terrace or the surface of an inner or outer court.

2. Exposure. In order to be credited as private usable open space, an area must be kept open in the following manner:

(A) For decks, balconies, porches and roofs, at least 30 percent of the perimeter must be unobstructed except for necessary railings.

(B) In addition, the area credited on a deck, balcony, porch or roof must either face a street, face or be within a rear yard, or face or be within some other space which at the level of the private usable open space meets the minimum dimension and area requirements for common usable open space as specified in Paragraph 135(g)1 below.



(C) Areas within inner and outer courts, as defined by this Code, must either conform to the standards of Subparagraph (f)2(B) above or be so arranged that the height of the walls and projections above the court on at least three sides (or 75 percent of the perimeter, whichever is greater) is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court, regardless of the permitted obstruction referred to in Subsection 135(c) above.

3. Fire escapes as usable open space. Normal fire escape grating shall not be considered suitable surfacing for usable open space. The steps of a fire escape stairway or ladder, and any space less than six feet deep between such steps and a wall of the building, shall not be credited as usable open space. But the mere potential use of a balcony area for an emergency fire exit by occupants of other dwelling units (or bedrooms in group housing) shall not prevent it from being credited as usable open space on grounds of lack of privacy or usability.

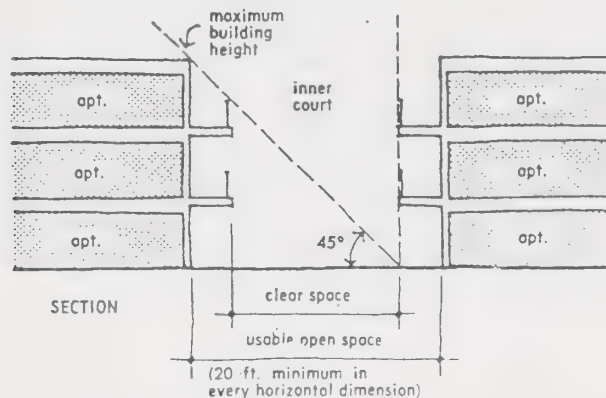
4. Use of Solariums. In C-3 districts, the area of a totally or partially enclosed solarium shall be credited as private usable open space if (i) such area is open to the outdoors through openings or clear glazing on not less than 50 percent of its perimeter and (ii) not less than 30 percent of its overhead area and 25 percent of its perimeter are open or can be opened to the air.

(g) Common usable open space: additional standards.

1. Minimum dimensions and minimum area. Any space credited as common usable open space shall be at least 15 feet in every horizontal dimension and shall have a minimum area of 300 square feet.

2. Use of inner courts. The area of an inner court, as defined by this Code, may be credited as common usable open space, if the enclosed space is not less than 20 feet in every horizontal dimension and 400 square feet in area; and if (regardless of the permitted

obstructions referred to in Subsection 135(c) above) the height of the walls and projections above the court on at least three sides (or 75 percent of the perimeter, whichever is greater) is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court.



3. Use of solariums. The area of a totally or partially enclosed solarium may be credited as common usable open space if the space is not less than 15 feet in every horizontal dimension and 300 square feet in area; and if such area is exposed to the sun through openings or clear glazing on not less than 30 percent of its perimeter and 30 percent of its overhead area.

SEC. 136. OBSTRUCTIONS OVER STREETS AND ALLEYS AND IN REQUIRED SET-BACKS, YARDS AND USABLE OPEN SPACE.

(a) The following obstructions shall be permitted, in the manner specified, as indicated by the symbol "X" in the columns at the left, within the required open areas listed herein:

1. Projections from a building or structure extending over a street or alley as defined by this Code. Every portion of such projections over a street or alley shall provide a minimum of 7-1/2 feet of vertical clearance from the sidewalk or other surface above which it is situated, or such greater vertical clearance as may be required by the San Francisco Building Code, unless the contrary is stated below. The permit under which any such projection over a street or alley is erected over public property shall not be construed to create any perpetual right but is a revocable license.

2. Obstructions within legislated set-back lines and front set-back areas, as required by Sections 131 and 132 of this Code.

3. Obstructions within side yards and rear yards, as required by Sections 133, and 134 of this Code.

4. Obstructions within usable open space, as required by Section 135 of this Code.

(b) No obstruction shall be constructed, placed or maintained in any such required open area except as specified in this section.

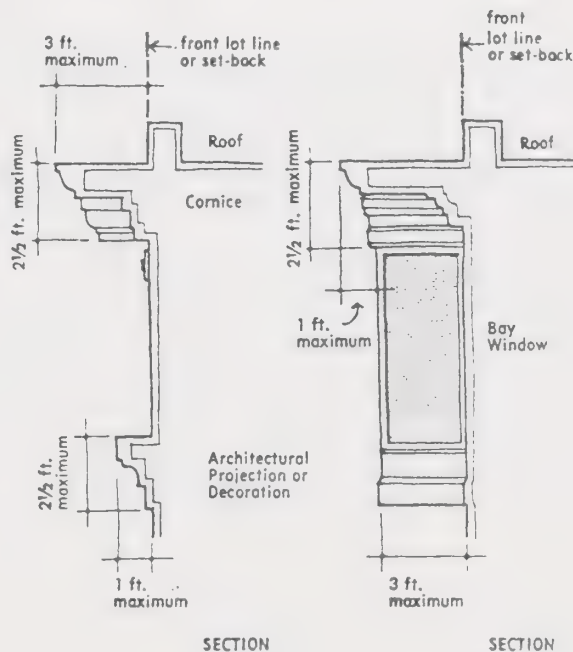
(c) The permitted obstructions shall be as follows:

X	Streets & Alleys
X	Set-backs
X	Yards
X	Usable Open Space

1. Overhead horizontal projections (leaving at least 7-1/2 feet of headroom) of a purely architectural or decorative character such as cornices, eaves, sills and belt courses, with a vertical dimension of no more than two feet six inches, not increasing the floor area or the volume of space enclosed by the building, and not projecting more than:

(A) At roof level, three feet over streets and alleys and into set-backs, or to a perimeter in such required open areas parallel to and one foot outside the surfaces of bay windows immediately below such features, whichever is the greater projection;

(B) At every other level, one foot over streets and alleys and into set-backs; and



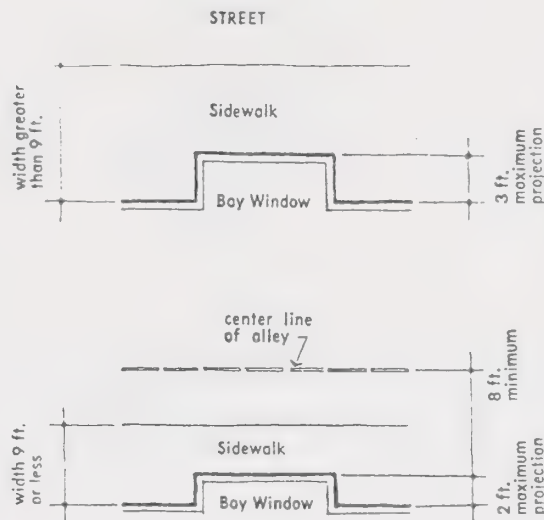
(C) Three feet into yards and usable open space, or 1/6 of the required minimum dimensions (when specified) of such open areas, whichever is less.

2. Bay (Projecting) windows, balconies (other than balconies used for primary access to two or more dwelling units or two or more bedrooms in group housing), and similar features that increase either the floor area of the building or the volume of space enclosed by the building above grade, when limited as specified herein. With respect to obstructions within yards and usable open space, the bay windows and balconies specified in Paragraph (c)3 below shall be permitted as an alternative to those specified in this Paragraph (c)2.

(A) The minimum headroom shall be 7-1/2 feet.

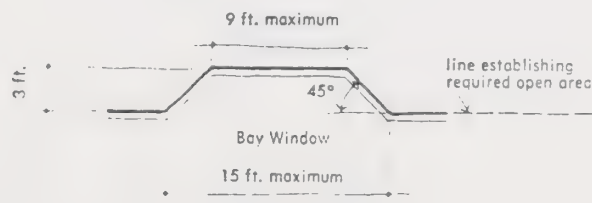
(B) Projection into the required open area shall be limited to three feet; provided that projection over streets and alleys shall be further limited to two

feet where the sidewalk width is nine feet or less, and the projection shall in no case be closer than eight feet to the center line of any alley.

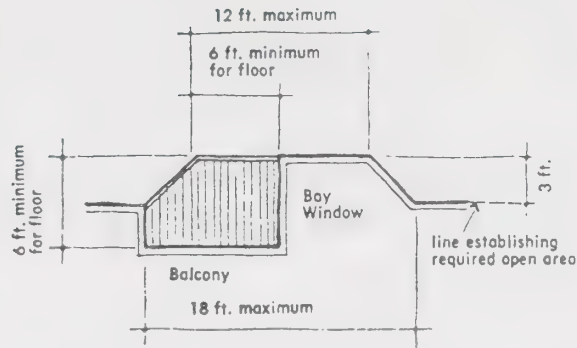


(C) The glass areas of each bay window, and the open portions of each balcony, shall be not less than 50 per cent of the sum of the areas of the vertical surfaces of such bay window or balcony above the required open area. At least $\frac{1}{3}$ of such required glass area of such bay window, and open portions of such balcony, shall be on one or more vertical surfaces situated at an angle of not less than 30 degrees to the line establishing the required open area. In addition, at least $\frac{1}{3}$ of such required glass area or open portions shall be on the vertical surface parallel to, or most nearly parallel to, the line establishing each open area over which the bay window or balcony projects.

(D) The maximum length of each bay window or balcony shall be 15 feet at the line establishing the required open area, and shall be reduced in proportion to the distance from such line by means of 45 degree angles drawn inward from the ends of such 15-foot dimension, reaching a maximum of nine feet along a line parallel to and at a distance of three feet from the line establishing the required open area.

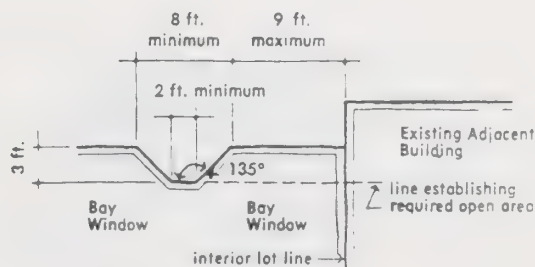
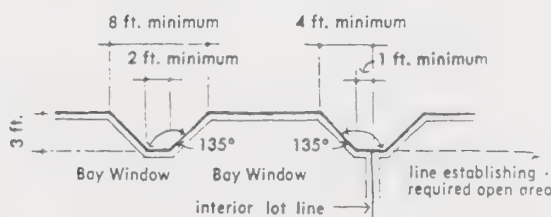


(E) Where a bay window and a balcony are located immediately adjacent to one another, and the floor of such balcony in its entirety has a minimum horizontal dimension of six feet, the limitations of Subparagraph (c)2(D) above shall be increased to a maximum length of 18 feet at the line establishing the required open area, and a maximum of 12 feet along a line parallel to and at a distance of three feet from the line establishing the required open area.



(F) The minimum horizontal separation between bay windows, between balconies, and between bay windows and balconies (except where a bay window and a balcony are located immediately adjacent to one another, as provided for in Subparagraph (c)2(E) above) shall be two feet at the line establishing the required open area, and shall be increased in proportion to the distance from such line by means of 135 degree angles drawn outward from the ends of such two-foot dimension, reaching a minimum of eight feet along a line parallel to and at a distance of three feet from the line establishing the required open area.

(G) Each bay window or balcony over a street or alley, set-back or rear yard shall also be horizontally separated from interior lot lines (except where the wall of a building on the adjoining lot is flush to the interior lot line immediately adjacent to the projecting portions of such bay window or balcony) by not less than one foot at the line establishing the required open area, with such separation increased in proportion to the distance from such line by means of a 135 degree angle drawn outward from such one-foot dimension, reaching a minimum of four feet along a line parallel to and at a distance of three feet from the line establishing the required open area.



	X	X
Streets & Alleys		
Set-backs		
Yards		
Useable Open Space		

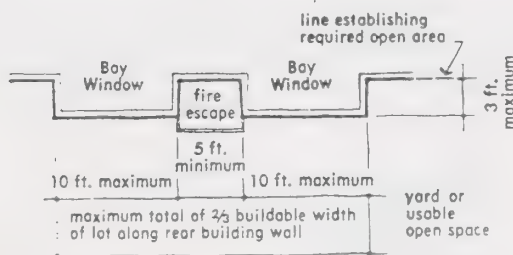
3. Bay (projecting) windows, balconies (other than balconies used for primary access to two or more dwelling units or two or more bedrooms in group housing), and similar features that increase either the floor area of the building or the volume of space enclosed by the building above grade, when limited as specified herein. With respect to obstructions within yards and usable open space, the bay windows and balconies specified in Paragraph (c)2 above shall be permitted as an alternative to those specified in this Paragraph (c)3.

(A) The minimum headroom shall be 7-1/2 feet.

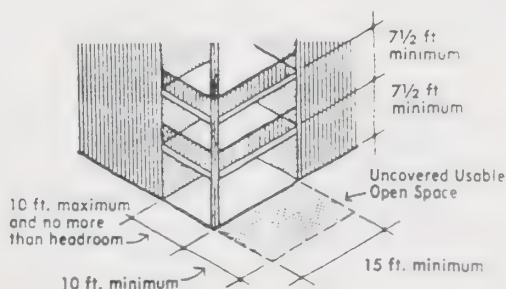
(B) Projection into the required open area shall be limited to three feet, or 1/6 of the required minimum dimension (when specified) of the open area, whichever is less.

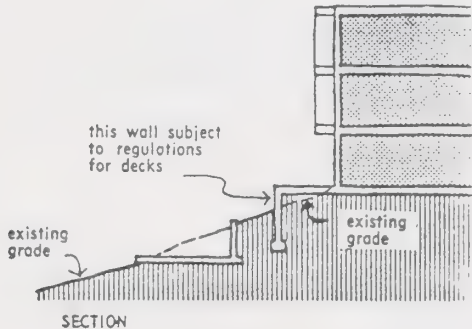
(C) In the case of bay windows, the maximum length of each bay window shall be 10 feet, and the minimum horizontal separation between bay windows shall be five feet, above all parts of the required open area.

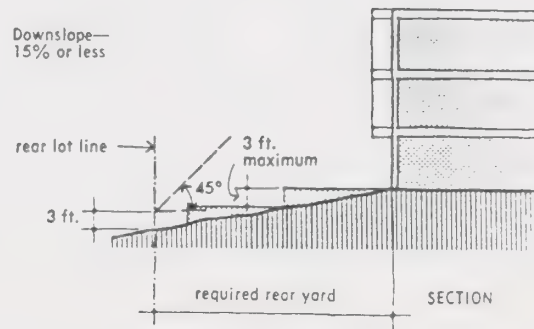
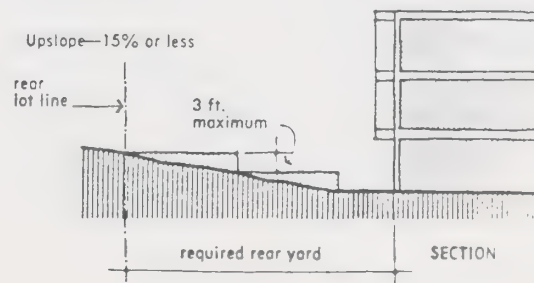
(D) The aggregate length of all bay windows and balconies projecting into the required open area shall be no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the length of all open areas along the buildable length of an interior side lot line; in the case of yards, these limits on aggregate length shall apply to the aggregate of all bay windows, balconies, fire escapes and chimneys.

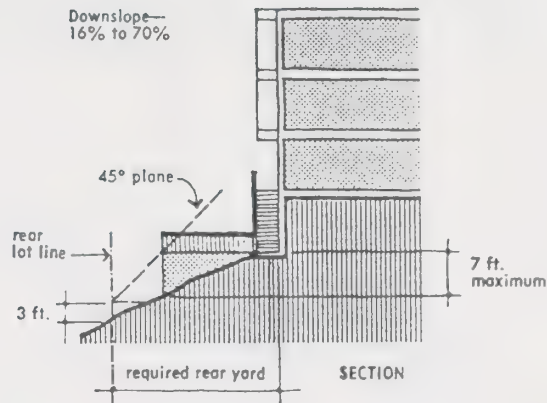


- X X X X 4. Fire escapes, leaving at least 7-1/2 feet of headroom exclusive of drop ladders to grade, and not projecting more than necessary for safety or in any case more than four feet six inches into the required open area. In the case of yards, the aggregate length of all bay windows, balconies, fire escapes and chimneys that extend into the required open area shall be no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the buildable length of an interior side lot line.
- X 5. Overhead horizontal projections other than those listed in Paragraphs (c)1, 2, 3 and 4 above, leaving at least 7-1/2 feet of headroom, where the depth of any such projection is no greater than the headroom it leaves, and in no case is greater than 10 feet; and provided that, in the case of common usable open space at ground level, the open space under the projection directly adjoins uncovered usable open space that is at least 10 feet in depth and 15 feet in width.



		x	6. Chimneys not extending more than three feet into the required open area or 1/6 of the required minimum dimension (when specified) of the open area, whichever is less; provided, that the aggregate length of all bay windows, balconies, fire escapes and chimneys that extend into the required open area is no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the buildable length of an interior side lot line.
x			7. Temporary occupancy of street and alley areas during construction and alteration of buildings and structures, as regulated by the Building Code and other portions of the Municipal Code.
x			8. Space below grade, as regulated by the Building Code and other portions of the Municipal Code.
x	x		9. Building curbs and buffer blocks at ground level, not exceeding a height of nine inches above grade or extending more than nine inches into the required open area.
x	x		10. Signs as regulated by Article 6 of this Code, at locations and to the extent permitted therein.
x	x		11. Flag poles for projecting flags permitted by Article 6 of this Code.
x	x		12. Marquees, awnings and canopies in P, C and M districts, as regulated by the Building Code and as further limited by this Code.
	x	x x	13. Retaining walls that are necessary to maintain approximately the grade existing at the time of construction of a building. Other retaining walls and the grade maintained by them shall be subject to the same regulations as decks (see Paragraphs (c)24 and (c)25 below).
<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Streets & Alleys</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Set-backs</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Yards</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Usable Open Space</div> </div>			
			
	x	x x	14. Steps of any type not more than three feet above grade; and uncovered stairways and landings not extending higher than the floor level of the adjacent first floor of occupancy above the ground story, and, in the case of yards and usable open space, extending no more than six feet into the required open area for any portion that is more than three feet above grade, provided that all such stairways and landings shall occupy no more than 2/3 the buildable width of the lot along a front or rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the length of all open areas along the buildable length of an interior side lot line.
x	x	x x	15. Railings no more than three feet six inches in height above any permitted step, stairway, landing, fire escape, deck, porch or balcony, or above the surface of any other structure permitted in the required open area.
	x	x x	16. Decorative railings and decorative grille work, other than wire mesh, at least 75 percent open to perpendicular view and no more than six feet in height above grade.
	x	x x	17. Fences no more than three feet in height above grade.
		x x	18. Fences and wind screens no more than six feet in height above grade.

Streets & Alleys	Set-backs	Yards	Useable Open Space	x	19. Fences and wind screens no more than 10 feet in height above grade.
				x x	20. Normal outdoor recreational and household features such as play equipment and drying lines.
				x x x	21. Landscaping and garden furniture.
				x x	22. Garden structures enclosed by walls on no more than 50 percent of their perimeter, such as gazebos and sunshades, if no more than eight feet in height above grade and covering no more than 60 square feet of land.
				x	23. Other structures commonly used in gardening activities, such as greenhouses and sheds for storage of garden tools, if no more than eight feet in height above grade and covering no more than 100 square feet of land.
				x	24. Decks, whether attached to a building or not, at or below the adjacent first floor of occupancy, if developed as usable open space and meeting the following requirements:
					<p>(A) Slope of 15 percent or less. The floor of the deck shall not exceed a height of three feet above grade at any point in the required open area, nor shall such floor penetrate a plane made by a vertical angle 45 degrees above horizontal with its vertex three feet above grade at any lot line bordering the required open area.</p>
					 <p>Downslope—15% or less</p> <p>rear lot line</p> <p>3 ft. maximum</p> <p>45°</p> <p>3 ft.</p> <p>required rear yard</p> <p>SECTION</p>
					 <p>Upslope—15% or less</p> <p>rear lot line</p> <p>3 ft. maximum</p> <p>45°</p> <p>3 ft.</p> <p>required rear yard</p> <p>SECTION</p>
					<p>(B) Slope of more than 15 percent and no more than 70 percent. The floor of the deck shall not exceed a height of three feet above grade at any point along any lot line bordering the required open area, nor shall such floor penetrate a plane made by a vertical angle 45 degrees above horizontal with its vertex three feet above grade at any lot line bordering the required open area, except that when two or more lots are developed with adjacent decks whose floor levels differ by not more than three feet, whether or not the lots will remain in the same ownership, each deck may come all the way to the lot line adjacent to the other deck. In addition, the vertical distance measured up from grade to the floor of the deck shall not exceed seven feet at any point in the required open area.</p>



(C) Slope of more than 70 percent. Because in these cases the normal usability of the required open area is seriously impaired by the slope, a deck covering not more than 1/3 the area of the required open area may be built exceeding the heights specified above, provided that the light, air view and privacy of adjacent lots are not seriously affected. Each such case shall be considered on its individual merits. However, the following points shall be considered guidelines in these cases:

(i) The deck shall be designed to provide the minimum obstruction to light, air, view and privacy.

(ii) The deck shall be at least two feet inside all side lot lines.

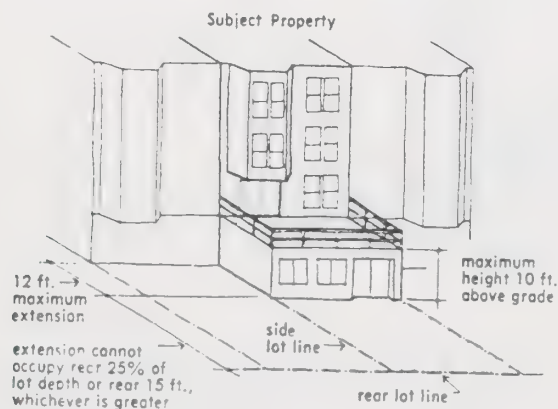
(iii) On downhill slopes, a horizontal angle of 30 degrees drawn inward from each side lot line at each corner of the rear building line shall be maintained clear and the deck shall be kept at least 10 feet inside the rear lot line.

x 25. Except in required side yards, decks, and enclosed and unenclosed extensions of buildings, when limited as specified herein.

(A) The structure shall extend no more than 12 feet into the required open area; and shall not occupy any space within the rear 25 percent of the total depth of the lot, or within the rear 15 feet of the depth of the lot, or within the rear 15 feet of the depth of the lot, whichever is greater.

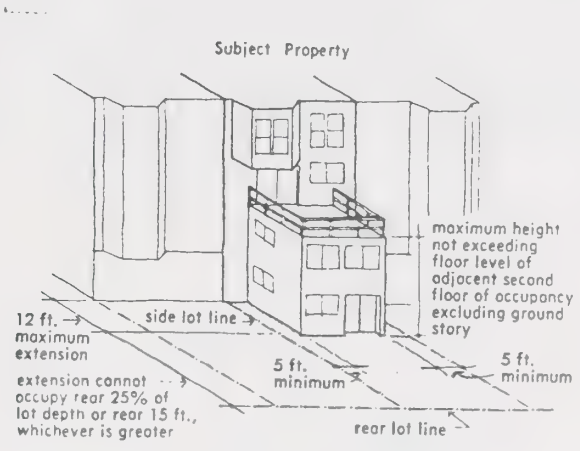
(B) Within all parts of the required open area, the structure shall be limited in height to either:

(i) 10 feet above grade; or



Streets & Alleys	
Set-backs	
Yards	
Useable Open Space	
	x
	x
	x

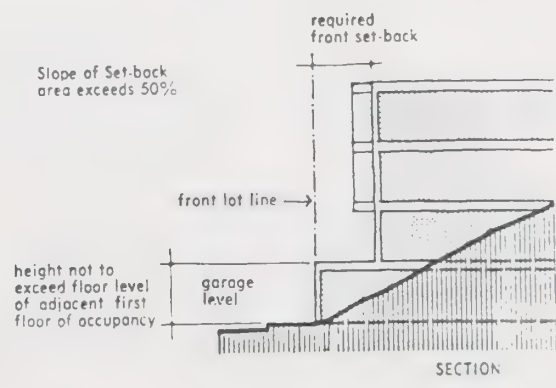
(ii) A height not exceeding the floor level of the second floor of occupancy, excluding the ground story, at the rear of the building on the subject property, in which case the structure shall be no closer than five feet to any interior side lot line.



(C) Any fence or wind screen extending above the height specified in Subparagraph (C)25(B) shall be limited to six feet above such height; shall be no closer to any interior side lot line than one foot for each foot above such height; and shall have not less than 80 percent of its surfaces above such height composed of transparent or translucent materials.

26. Garages which are under ground, or under decks conforming to the requirements of Paragraph (c)24 or (c)25 above, if their top surfaces are developed as usable open space, provided that no such garage shall occupy any area within the rear 15 feet of the depth of the lot.

27. Garages, where the average slope of the required open area ascends from the street lot line to the line of the set-back and exceeds 50 percent, provided the height of the garage is limited to 10 feet above grade, or the floor level of the adjacent first floor of occupancy on the subject property, whichever height is less.

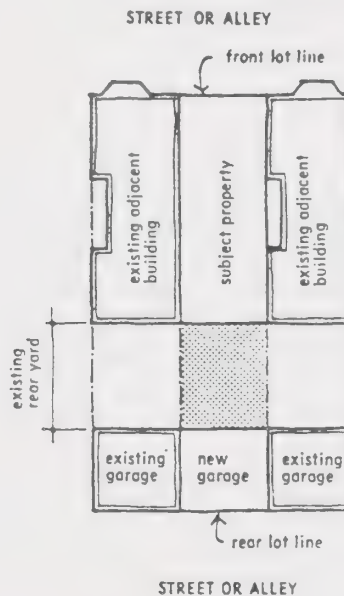


28. Garages, where both adjoining lots (or the one adjoining lot where the subject property is a corner lot) contain a garage structure within the required set-back line or front set-back area on the same street or alley frontage, provided the garage on the subject property does not exceed the average of the

Streets & Alleys	
Set-backs	
Yards	x
Useable Open Space	

two adjacent garage structures (or the one adjacent garage structure where the subject property is a corner lot) in either height above grade or extension into the required set-back.

29. Garages, where the subject property is a through lot having both its front and its rear lot line along streets, alleys, or a street and an alley, and both adjoining lots (or the one adjoining lot where the subject property is also a corner lot) contain a garage structure adjacent to the required rear yard on the subject property, provided the garage on the subject property does not exceed the average of the two adjacent garage structures (or the one adjacent garage structure where the subject property is a corner lot) in either height above grade or encroachment upon the required rear yard.



30. Driveways, for use only to provide necessary access to required or permitted parking that is located on the subject property other than in a required open area, and where such driveway has only the minimum width needed for such access.

(d) Notwithstanding the limitations of subsection (c) of this section, the following provisions shall apply in C-3 districts.

1. Decorative Architectural Features. Decorative architectural features not increasing the interior floor area or volume of the space enclosed by the building are permitted over streets and alleys and into setbacks within the maximum vertical and horizontal dimensions described as follows:

(A) At roof level, decorative features such as cornices, eaves, and brackets may project four feet with a maximum vertical dimension no greater than 6 feet.

(B) At all levels above the area of minimum vertical clearance required in subsection (a)1 above, decorative features, such as belt courses, entablatures, and bosses, may project 2 feet with a maximum vertical dimension of 4 feet.

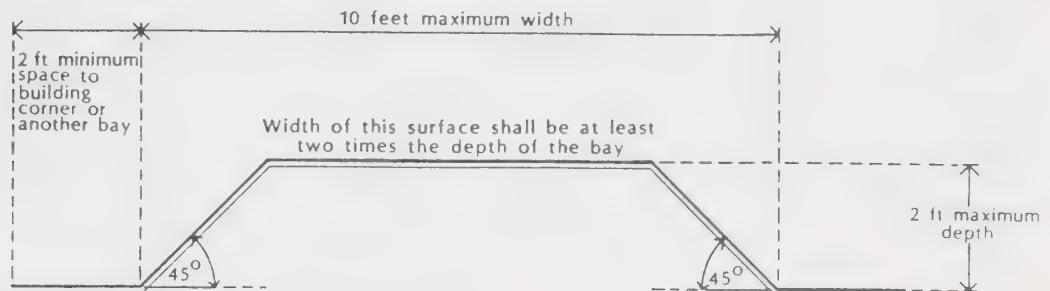
(C) At all levels above the area of minimum vertical clearance required by subsection (a)1 above, vertical decorative features, such as pilasters, columns, and window frames (including pediment and sills), with a cross-sectional area of not more than 3 square feet at midpoint, may project 1 foot horizontally.

2. Bay Windows. Notwithstanding the provisions of subsections (c)2, (D) and (F) of this section, bay windows on non-residential floors of a structure are permitted only if the width of the bay is at least two times its depth, the total width of all bays on a facade

plane does not exceed one-half of the width of the facade plane, and the maximum horizontal (plan) dimensions of the bay fit within the dimensions set forth in the diagram below.

COMMERCIAL BAY

A commercial bay must fit within these Dimensions



SEC. 137. MODIFICATION OF CERTAIN PLAZAS AND ARCADES. In C-3 districts, modifications and improvements of plazas and arcades designed to make the spaces more attractive and useful may be approved, in accordance with the provisions of Section 309, by application of the standards contained in and the guidelines adopted pursuant to Section 138 of this Code and the objectives and policies of the Downtown Plan, a component of the Master Plan, or any amendment thereto, notwithstanding the fact that such modifications and improvements would not have been permitted under former Sections 126(b)(5) and (b)(7) of this Code.

SEC. 138. OPEN SPACE REQUIREMENTS IN C-3 DISTRICTS.

(a) Requirement. An applicant for a permit to construct a new building or an addition of gross floor area equal to 20% or more of an existing building (hereinafter "building") in C-3 districts shall provide open space in the amount and in accordance with the standards set forth in this section. All determinations concerning the adequacy of the amount of open space to be provided and its compliance with the requirements of this section shall be made in accordance with the provisions of Section 309.

(b) Amount required. Open space shall be provided in the amounts specified below for all uses except (i) residential uses, which shall be governed by Section 135 of this Code, (ii) institutional uses; and (iii) uses in a predominantly retail building. For the purposes of this section a predominantly retail building is one in which two-thirds or more of the occupied floor area is in retail use.

Minimum Amount of Open Space Required

<u>Use District</u>	<u>Ratio of Square Feet Of Open Space to Gross Square Feet of Uses with Open Space Requirement</u>
C-3-O	1:50
C-3-R	1:100
C-3-G	1:50
C-3-S	1:50
C-3-O (SD)	1:50

(c) Location. The open space required by this section may be on the same site as the building for which the permit is sought, or within 900 feet of it on either private property or, with the approval of all relevant public agencies, public property; provided that all open space must be located entirely within the C-3 District. Open space

is within 900 feet of the building within the meaning of this section if any portion of the building is located within 900 feet of any portion of the open space. Offsite open space shall be developed and open for use prior to issuance of a temporary permit of occupancy of the building whose open space requirement is being met offsite. The procedures of Section 149(d) governing issuance of a temporary permit of occupancy shall apply to this subsection.

(d) Types and Standards of Open Space. Except as otherwise provided in subsection (e), the project applicant may satisfy the requirements of this section by providing one or more of the following types of open space: a plaza, an urban park, an urban garden, a view terrace, a sun terrace, a greenhouse, a small sitting area (a snippet), an atrium, an indoor park, or a public sitting area in a galleria, in an arcade, or in a pedestrian mall or walkway, as more particularly defined in the table entitled "Guidelines for Open Space" in the Open Space Section of the Downtown Plan, or any amendments thereto, provided that the open space meets the following minimum standards. The open space shall:

- (1) be of adequate size;
- (2) be situated in such locations and provide such ingress and egress as will make the area easily accessible to the general public;
- (3) be well designed and where appropriate be landscaped;
- (4) be protected from uncomfortable wind;
- (5) incorporate various features, including ample seating and, if appropriate, access to food service, which will enhance public use of the area;
- (6) have adequate access to sunlight if sunlight access is appropriate to the type of area;
- (7) be well lighted if the area is of the type requiring artificial illumination;
- (8) be open to the public at times when it is reasonable to expect substantial public use;
- (9) be designed to enhance user safety and security.
- (10) if the open space is on private property, provide toilet facilities open to the public.
- (11) have at least 75% of the total open space approved be open to the public during all daylight hours.

(e) Approval of Open Space Type and Features. The type, size, location, physical access, seating and table requirements, landscaping, availability of commercial services, sunlight and wind conditions and hours of public access shall be reviewed and approved in accordance with the provisions of Section 309 and shall generally conform to the "Guidelines for Open Space".

The Commission may, by resolution, declare certain types of open space ineligible throughout C-3 districts, or in certain defined areas, if it determines that a disproportionate number of certain types of open space, or that an insufficient number of parks and plazas, is being provided in order to meet the public need for open space and recreational uses. Such resolution may exempt from its application projects whose permit applications are on file with the Department of City Planning. Over time no more than 20% of the space provided under this section shall be indoor space and at least 80% shall be outdoor space. Once an indoor space has been approved another such feature may not be approved until the total square footage of outdoor open space features approved under this section exceeds 80% of the total square footage of all open spaces approved under this section.

(f) Open Space Provider. The open space required by this section may be provided: (i) individually by the project sponsor; (ii) jointly by the project sponsor and other project sponsors, provided that, each square foot of jointly developed open space may count toward only one sponsor's requirement; or (iii) with the approval of the City Planning Commission, by a public or private agency which will develop and maintain the open space and to which a payment is made by the sponsor for the cost of development of the number of square feet the project sponsor is required to provide, and with which provision is made, satisfactory to the Commission, for the continued maintenance of the open space

for the actual lifetime of the building giving rise to the open space requirement, provided that the Commission finds that there is reasonable assurance that the open space to be developed by such agency will be developed and open for use by the time the building, the open space requirement of which is being met by the payment, is ready for occupancy.

(g) Non-residential/Residential Open Space. In mixed non-residential/residential projects, open space which meets the requirements of Section 135 regarding common usable open space for residential uses, and the requirements of Section 138 regarding open space for non-residential uses, may be counted against the open space requirements of both Sections 135 and 138.

(h) Maintenance. Open spaces shall be maintained at no public expense. Conditions intended to assure continued maintenance of the open space for the actual lifetime of the building giving rise to the open space requirement may be imposed in accordance with the provisions of Section 309.

(i) Informational Plaque. Prior to issuance of a permit of occupancy, a plaque shall be placed in a publicly conspicuous location outside the building at street level, or at the site of an outdoor open space, identifying the open space feature and its location, stating the right of the public to use the space and the hours of use, describing its principal required features (e.g. number of seats, availability of food service) and stating the name and address of the owner or owner's agent responsible for maintenance.

SEC. 139. DOWNTOWN PARK SPECIAL FUND

(a) Findings and Purposes. Existing public park facilities located in the downtown office districts are at or approaching capacity utilization by the daytime population in those districts. The need for additional public park and recreation facilities in the downtown districts will increase as the daytime population increases as a result of continued office development in those areas. While the open space requirements imposed on individual office and retail developments address the need for plazas and other local outdoor sitting areas to serve employees and visitors in the districts, such open space cannot provide the same recreational opportunities as a public park. In order to provide the City and County of San Francisco with the financial resources to acquire and develop public park and recreation facilities which will be necessary to serve the burgeoning daytime population in these districts, a Downtown Park Fund shall be established as set forth herein.

(b) Definitions. For purposes of this Section 139, the following definitions shall apply:

1. "First certificate of occupancy" shall mean either a temporary certificate of occupancy or a Certificate of Final Completion and Occupancy as defined in San Francisco Building Code Section 307, whichever is issued first.

2. "Net addition of gross floor area of office use" shall mean gross floor area as defined in Planning Code Section 102.8 to be occupied by, or primarily serving, office use, less the gross floor area in any structure demolished or rehabilitated as part of the proposed office development project which gross floor area was used primarily and continuously for office use and was not accessory to any use other than office use for at least five (5) years prior to the City Planning Department approval of the office development project subject to this Section, or for the life of the structure demolished or rehabilitated, whichever is shorter.

3. "Office development project" shall mean any new construction, addition, extension, conversion, or enlargement, or combination thereof, of an existing structure which includes any gross floor area of office use; provided, however, that this term shall not include an addition to an existing structure which would add gross floor area in an amount less than 20% of the gross floor area of the existing structure.

4. "Office use" shall mean any structure or portion thereof intended for occupancy by business entities which will primarily provide clerical professional, or business services of the business entity, or which will provide clerical, professional, or business services to other business entities or to the public at that location including, but not limited to, the following services: banking, law, accounting, insurance, management,

consulting, technical, and the office functions of manufacturing and warehousing businesses, and excluding design showcases. Such definition shall include all uses encompassed within the meaning of Planning Code Section 219; provided, however, that the term "office use" shall not include any such use which qualifies as an accessory use, as defined and regulated in Section 204 through 204.5 of this Code.

5. "Retail use" shall mean space within any structure or portion thereof intended or primarily suitable for occupancy by persons or entities which supply commodities to customers on the premises including, but not limited to, stores, shops, restaurants, bars, eating and drinking businesses, and the uses defined in Planning Code Sections 218 and 220-225, and also including all space accessory to such retail use.

(c) Requirements. These requirements are in addition to any applicable requirements set forth in Section 138. An applicant for a permit to construct an office development project within the C-3-0, C-3-0(SD), C-3-R, C-3-G, or C-3-S use districts, shall, as a condition of approval, pay a fee to the Controller of the City and County of San Francisco to be deposited in the Downtown Park Fund, in accordance with the standards set forth in this section.

(d) Downtown Park Fee. The amount of the fee shall be \$2 per square foot of the net addition of gross floor area of office use to be constructed as set forth in the final approved building or site permit. The amount of the fee shall be reviewed every third year, beginning three years after the effective date of this ordinance, by a joint session of the Recreation and Park Commission and the City Planning Commission. The Commissions shall jointly review the fee to determine whether inflation in land and development costs justifies an increase in the fee, and if they so find, shall recommend an amendment of the fee provisions of this ordinance to the Board of Supervisors.

(e) Procedure Regarding Temporary Permit of Occupancy. The Department of City Planning shall impose a condition requiring payment of the Downtown Park fee on approval of a building or site permit application subject to the provisions of this section, requiring that such fee be paid prior to the issuance of the first certificate of occupancy for the office development project. At the time the City Planning Department approves an application for a permit to construct an office development project subject to this section, the Director of City Planning shall notify in writing the Superintendent of the Bureau of Building Inspection ("Superintendent") identifying the office development project. The Superintendent shall provide notice in writing to the Zoning Administrator at least five business days prior to issuing the first certificate of occupancy for any office development subject to this section. If the Zoning Administrator notifies the Superintendent within five business days that the provisions of this section have not been complied with, the Superintendent shall deny any and all certificates of occupancy. If the Zoning Administrator notifies the Superintendent that the provisions of this section have been complied with or fails to respond within five business days, a certificate of occupancy shall not be disapproved pursuant to this section. The procedure set forth in this subsection is not intended to preclude enforcement of the provisions of this section pursuant to any other section of this Code, or other authority under the laws of the State of California.

(f) Downtown Park Fund. There is hereby established a separate fund set aside for a special purpose entitled the Downtown Park Fund ("Fund"). All monies collected by the Controller pursuant to this section shall be deposited in the Fund. All monies deposited in the Fund shall be used solely to acquire and develop public recreation and park facilities for use by the daytime population of the C-3 use districts. The Controller's Office shall file an annual report with the Board of Supervisors, beginning one year after the effective date of this ordinance, which report shall set forth the amount of money collected in the Fund. The Fund shall be administered jointly by the Recreation and Park Commission and the City Planning Commission. The two Commissions shall conduct business related to their duties under this Section at joint public hearings, which hearings may be initiated by either the Recreation and Park Commission or the City Planning Commission. A joint public hearing shall be held by the Commissions to elicit public comment on proposals for

the acquisition of property using monies in the Fund. Notice of any joint public hearings shall be published in an official newspaper at least twenty days prior to the date of the hearing, which notice shall set forth the time, place, and purpose of the hearing. The hearing may be continued to a later date by a majority vote of the members of both Commissions present at the hearing. At a joint public hearing, a quorum of the membership of both Commissions may vote to allocate the monies in the Fund for acquisition of property for park use and/or for development of property for park use. The Recreation and Park Commission shall alone administer the development of the recreational and park facilities on any acquired property designated for park use by the Board of Supervisors, using such monies as have been allocated for that purpose at a joint hearing of both Commissions.

SEC. 141. SCREENING OF ROOFTOP FEATURES R, C, AND M DISTRICTS.

(a) In R, C and M districts, rooftop mechanical equipment and appurtenances to be used in the operation or maintenance of a building shall be arranged so as not to be visible from any point at or below the roof level of the subject building. This requirement shall apply in construction of new buildings, and in any alteration of mechanical systems of existing buildings that results in significant changes in such rooftop equipment and appurtenances. The features so regulated shall in all cases be either enclosed by outer building walls or parapets, or grouped and screened in a suitable manner, or designed in themselves so that they are balanced and integrated with respect to the design of the building. Minor features not exceeding one foot in height shall be exempted from this regulation.

(b) In C-3 districts, whenever the enclosure or screening of the features listed in Section 260(b)(1)A and B, will be visually prominent, modifications may, in accordance with provisions of Section 309, be required in order to insure that: (1) the enclosure or screening is designed as a logical extension of the building form and an integral part of the overall building design; (2) its cladding and detailing is comparable in quality to that of the rest of the building; (3) if enclosed or screened by additional volume, as authorized by Section 260(b), the rooftop form is appropriate to the nature and proportions of the building, and is designed to obscure the rooftop equipment and appurtenances and to provide a more balanced and graceful silhouette for the top of the building or structure; and (4) the additional building volume is not distributed in a manner which simply extends vertically the walls of the building.

SEC. 143. STREET TREES, R AND C-3 DISTRICTS.

(a) In any R district, street trees shall be installed by the owner or developer in the case of construction of a new building, relocation of a building, or addition of floor area equal to 20 percent or more of an existing building.

(b) The street trees installed shall be a minimum of one tree of 15 gallon size for each 20 feet of frontage of the property along each street or alley, with any remaining fraction of 10 feet or more of frontage requiring an additional tree. Such trees shall be located either within a set-back area on the lot or within the public right-of-way along such lot.

(c) The species of trees selected shall be suitable for the site, and in the case of trees installed in the public right-of-way the species and locations shall be subject to approval by the Department of Public Works. Procedures and other requirements for the installation, maintenance and protection of trees in the public right-of-way shall be as set forth in Article 16 of the Public Works Code.

(d) In any case in which the Department of Public Works cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 143 may be modified or waived by the Zoning Administrator to the extent necessary.

(e) In C-3 districts, the Zoning Administrator may allow the installation of planter boxes or tubs or similar landscaping in place of trees when that is determined to be more desirable in order to make the landscaping compatible with the character of the surrounding area, or may waive the requirement where landscaping is considered to be inappropriate because it conflicts with policies of the Downtown Plan, a component of the Master Plan, such as the policy favoring unobstructed pedestrian passage.

SEC. 146. SUNLIGHT ACCESS TO PUBLIC SIDEWALKS IN C-3 DISTRICTS.

(a) Requirement of Sunlight Access on Certain Streets. In C-3 districts, in order to maintain direct sunlight on public sidewalks in certain downtown areas during critical periods of use, new structures and additions to existing structures on parcels which abut on the side of a street identified below shall be required to avoid penetration of a sun access plane defined by an angle sloping away from the street above a stipulated height at the property line abutting the street as follows:

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>SIDE OF STREET ON WHICH LOTS ABUT</u>	<u>MAXIMUM STREET WALL HEIGHT</u>	<u>SUN ACCESS ANGLE</u>
Bush	Kearny	Montgomery	South	65'	50°
Sutter	Powell	100' East of Kearny	South	66'	50°
Post	Mason	200' East of Kearny	South	66'	50°
Gearry	Mason	Kearny	South	65'	50°
O'Farrell	Cyril Magnin	Grant	South	66'	50°
Ellis	Cyril Magnin	Stockton	South	68'	50°
Powell	Market	Sutter	East	151'	70°
Powell	Market	Sutter	West	65'	50°
Stockton	Market	Bush	East	148'	70°
Stockton	Market	Bush	West	65'	50°
Grant	Market	Bush	East	170'	70°
Grant	Market	Bush	West	74'	50°
Kearny	Market	Washington	East	170'	70°
Kearny	Market	Pine	West	74'	50°
Second	Market	300' South of Folsom	West	132'	62°
New Montgomery	Market	Howard	West	132'	62°
Market	Tenth	Second	South	119'	50°
Market	So. Van Ness	Twelfth	South	119'	50°

(b) Exception. An exception to the requirements of subsection (a) may be granted in the manner provided in Sec. 309 of this Code in cases where (i) the penetration of the plane does not create shadow because of the shadow already cast by other buildings, or (ii) the shadow created by the penetration of the plane is deemed insignificant because of the limited extent or duration of the shadow or because of the limited public use of the shadowed space.

(c) Shadows on Other Streets. New buildings and additions to existing buildings shall be shaped, if it can be done without creating an unattractive design and without unduly restricting the development potential of the site in question, so as to reduce substantial shadow impacts on public sidewalks in the C-3 districts other than those protected by subsection (a). Determinations made under this subsection shall be made in accordance with the provisions of Section 309.

SEC. 147. REDUCTION OF SHADOWS ON CERTAIN PUBLIC OR PUBLICLY ACCESSIBLE OPEN SPACES IN C-3 DISTRICTS. New buildings and additions to existing buildings in C-3 districts shall be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site in question, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295. In determining the impact of shadows, the following factors shall be taken into account: the amount of area shadowed, the duration of the shadow, and the importance of sunlight to the type of open space being shadowed. Determinations under this section shall be made in accordance with the provisions of Section 309.

SEC. 148. REDUCTION OF GROUND LEVEL WIND CURRENTS IN C-3 DISTRICTS.

(a) Requirement and Exception. In C-3 districts buildings and additions to existing buildings shall be shaped, or other wind baffling measures shall be adopted, so that the developments will not cause ground level wind currents to exceed, more than 10% of the time year round, between 7 a.m. and 6 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of substantial pedestrian use and 7 m.p.h. equivalent wind speed in public seating areas.

When pre-existing ambient wind speeds exceed the comfort level, or when a proposed building or addition may cause ambient wind speeds to exceed the comfort level, the building shall be designed to reduce the ambient wind speeds to meet the requirements. An exception may be granted, in accordance with the provisions of Section 309, allowing the building or addition to add to the amount of time that the comfort level is exceeded by the least practical amount if (1) it can be shown that a building or addition cannot be shaped and other wind baffling measures cannot be adopted to meet the foregoing requirements without creating an unattractive and ungainly building form and without unduly restricting the development potential of the building site in question, and (2) it is concluded that, because of the limited amount by which the comfort level is exceeded, the limited location in which the comfort level is exceeded, or the limited time during which the comfort level is exceeded, the addition is insubstantial.

No exception shall be granted and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.

(b) Definition. The term "equivalent wind speed" shall mean an hourly mean wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians.

(c) Guidelines. Procedures and Methodologies for implementing this section shall be specified by the Office of Environmental Review of the Department of City Planning.

SEC. 149. ART WORKS, RECOGNITION OF ARCHITECT AND ARTISTS AND MODEL REQUIREMENTS IN C-3 DISTRICTS.

(a) Art Works. In the case of construction of a new building or addition of floor area in excess of 25,000 square feet to an existing building in a C-3 district, works of art costing an amount equal to 1 % of the construction cost of the building or addition as determined by the Superintendent of the Bureau of Building Inspection shall be installed and maintained (i) in areas on the site of the building or addition and clearly visible from the public sidewalk or the open space feature required by Section 138 or (ii) on the site of the open space feature provided pursuant to Section 138, or (iii) upon the approval of any relevant public agency, on adjacent public property, or (iv) in a publicly accessible lobby area of a hotel. Said works of art shall be installed prior to issuance of the first certificate of occupancy, provided, however, that if the Zoning Administrator concludes that it is not feasible to install the works within that time and that adequate assurance is provided that the works will be installed in a timely manner, the Zoning Administrator may extend the time for installation for a period of not less than 12 months. Said works of art may include sculpture, bas-relief, murals, mosaics, decorative water features, tapestries or other art works permanently affixed to the building or its grounds, or a

combination thereof, but may not include architectural features of the building. Art works shall be displayed in a manner that will enhance their enjoyment by the general public. The type and location of art work, but not the artistic merits of the specific art work proposed, shall be approved in accordance with the provisions of Section 309. The term "construction cost" shall be determined in the manner used to determine the valuation of work as set forth in Section 304 of the Building Code.

(b) Recognition of Architects and Artists. In the case of construction of a new building or an addition of floor area in excess of 25,000 square feet to an existing building in a C-3 district, a plaque or cornerstone identifying the project architect and the creator of the artwork provided pursuant to subsection (a) and the erection date shall be placed at a publicly conspicuous location on the building prior to the issuance of the first certificate of occupancy.

(c) Models. In a C-3 district, in the case of construction of a new building, or any addition in height in excess of 40' to an existing building, two models shall be submitted to the Department of City Planning prior to approval of the project as follows:

1. one model of the building at a scale of 1"=100'; and
2. one model of the block in which the building is located at a scale of 1"=32', which model shall include all the buildings on the block on which the building is located and the streets surrounding the block to the centerline of the streets and shall use as its base the land form starting at sea level; provided, however, that if the Department of City Planning determines that it has an up-to-date model of the block in which the building is located, only a model of the building shall be submitted.

(d) Procedure Regarding Certificate of Occupancy. The Superintendent of the Bureau of Building Inspection shall provide notice in writing to the Zoning Administrator at least five business days prior to issuing the first certificate of occupancy for any building subject to the provisions of this section. If the Zoning Administrator notifies the Superintendent within such time that the provisions of this section have not been complied with, the Superintendent shall deny the permit. If the Zoning Administrator notifies the Superintendent that the provisions of this section have been complied with or fails to respond within five business days, the permit of occupancy shall not be disapproved pursuant to this section. As used herein, the first certificate of occupancy shall mean either a temporary certificate of occupancy or a Certificate of Final Completion and Occupancy as defined in San Francisco Building Code Section 307, whichever is issued first. The procedure set forth in this subsection is not intended to preclude enforcement of the requirements of this section through any means otherwise authorized.

SEC. 152. SCHEDULE OF REQUIRED OFF-STREET FREIGHT LOADING SPACES IN DISTRICTS OTHER THAN C-3. In districts other than C-3, off-street freight loading spaces shall be provided in the minimum quantities specified in the following table, except as otherwise provided in Section 161 of this Code. The measurement of gross floor area shall be as defined in this Code, except that non-accessory parking spaces and driveways and maneuvering areas incidental thereto shall not be counted.

TABLE 5
Off-Street Freight Loading Spaces Required

Use or Activity	Gross Floor Area of Structure or Use (sq. ft.)	Number of Off-Street Freight Loading Spaces Required
Retail stores, whole-	0- 10,000	0
saling, manufacturing,	10,001- 60,000	1
and all other uses	60,001- 100,000	2
primarily engaged in	over 100,000	3 plus 1 for each
the handling of goods.		additional 80,000 sq. ft
Offices, hotels, apartments	0- 100,000	0
and all other uses not	100,001- 200,000	1
included above	200,001- 500,000	2
	over 500,000	3 plus 1 for each
		additional 400,000 sq. ft.

SEC. 152.5. REQUIRED OFF-STREET FREIGHT LOADING AND SERVICE VEHICLE SPACES IN C-3 DISTRICTS. In C-3 districts off-street freight loading spaces shall be provided in the minimum quantities specified in the following table, except as otherwise provided in Sections 153(a)6 and 161 of this Code. The measurement of gross floor area shall be as defined in this Code, except that non-accessory parking spaces and driveways and maneuvering areas incidental thereto shall not be counted.

TABLE 5.5
OFF-STREET FREIGHT LOADING SPACE REQUIREMENTS

Use or Activity	Gross Floor Area Of Structure or Use (square feet)	Spaces Required
Offices and Banks		0.1 space per 10,000 sq.ft. of gross floor area (to closest whole number per Section 153)
Retail stores,	0 - 10,000	0
Restaurants,	10,001 - 30,000	1
Bars and	30,001 - 50,000	2
Drug Stores	over 50,000	1 space per 25,000 sq. ft. of gross floor area (to closest whole number per Section 153)
-Wholesaling,		
-Manufac-		
-turing,		
-and All	0 - 10,000	0
-Other	10,001 - 50,000	1
-Uses	Over 50,000	0.21 spaces per 10,000 sq. ft. of gross floor area (to closest whole number per Section 153)
-Primarily		
-Engaged in		
-Handling-Goods		
Hotels,		
Apartments	0 - 100,000	0
and All	100,001 - 200,000	1
Other Uses	200,001 - 500,000	2
Not Included	Over 500,000	3 Plus 1 space for each
Above		additional 400,000 sq.ft.

SEC. 153. RULES FOR CALCULATION OF REQUIRED SPACES.

(a) In the calculation of off-street parking and freight loading spaces required under Sections 151, 152 and 152.5, the following rules shall apply:

1. In the case of mixed uses in the same structure, on the same lot or in the same development, or more than one type of activity involved in the same use, the total requirements for off-street parking and loading spaces shall be the sum of the requirements for the various uses or activities computed separately, including fractional values.

2. Where an initial quantity of floor area, rooms, seats or other form of measurement is exempted from off-street parking or loading requirements, such exemption shall apply only once to the aggregate of that form of measurement. If the initial exempted quantity is exceeded, for either a structure or a lot or a development, the requirement shall apply to the entire such structure, lot or development, unless the contrary is specifically stated in this Code.

3. Where a structure or use is divided by a zoning district boundary line, the requirements as to quantity of off-street parking and loading spaces shall be calculated in proportion to the amount of such structure or use located in each zoning district.

4. Where seats are used as the form of measurement, each 22 inches of space on benches, pews and similar seating facilities shall be considered one seat.

5. When the calculation of the required number of off-street parking or freight loading spaces results in a fractional number, a fraction of one-half or more shall be adjusted to the next higher whole number of spaces, and a fraction of less than one-half may be disregarded.

6. In C-3 districts, substitution of 2 service vehicle spaces for each required off-street freight loading space may be made, provided that a minimum of 50 percent of the required number of spaces are provided for freight loading. Where the 50 percent allowable substitution results in a fraction, the fraction shall be disregarded.

(b) The requirements for off-street parking and loading for any use not specifically mentioned in Sections 151 and 152 shall be the same as for a use specified which is similar, as determined by the Zoning Administrator.

SEC. 154. MINIMUM DIMENSIONS FOR REQUIRED OFF-STREET PARKING AND FREIGHT LOADING SPACES.

(a) Parking Spaces.

1. Every required off-street parking space shall have a minimum area of 160 square feet, except as specified in Paragraph (a)2 below. Every required space shall be of usable shape. The area of any such space shall be exclusive of driveways, aisles and maneuvering areas.

2. In the case of any structure or use for which four or more off-street parking spaces are required, the fourth such space may be a compact car space, and for each two spaces required in excess of four the second such space may be a compact car space. For this purpose every compact car space shall have a minimum area of 127.5 square feet and shall be specifically marked and identified as a compact car space.

3. Ground floor ingress and egress to any off-street parking spaces provided for a structure or use, and all spaces to be designated as preferential carpool or vanpool parking, and their associated driveways, aisles and maneuvering areas, shall maintain a minimum vertical clearance of 7 feet.

(b) Freight loading and service vehicle spaces. Every required off-street freight loading space shall have a minimum length of 35 feet, a minimum width of 12 feet, and a minimum vertical clearance including entry and exit of 14 feet, except as provided below.

1. Minimum dimensions specified herein shall be exclusive of platform, driveways and maneuvering areas except that minimum vertical clearance must be maintained to accommodate variable truck height due to driveway grade.

2. The first such space required for any structure or use shall have a minimum width of 10 feet, a minimum length of 25 feet, and a minimum vertical clearance,

including entry and exit, of 12 feet.

3. Each substituted service vehicle space provided under Section 153(a)6 of this Code shall have a minimum width of 8 feet, a minimum length of 20 feet, and a minimum vertical clearance of 7 feet.

SEC. 155. GENERAL STANDARDS AS TO LOCATION AND ARRANGEMENT OF OFF-STREET PARKING AND FREIGHT LOADING AND SERVICE VEHICLE FACILITIES. Required off-street parking and freight loading facilities shall meet the following standards as to location and arrangement. In addition, facilities which are not required but are actually provided shall meet the following standards unless such standards are stated to be applicable solely to required facilities. In application of the standards of this Code for off-street parking and loading, reference may be made to provisions of other portions of the Municipal Code concerning off-street parking and loading facilities, and to standards of the Bureau of Engineering of the Department of Public Works. Final authority for the application of such standards under this Code, and for adoption of regulations and interpretations in furtherance of the stated provisions of this Code shall, however, rest with the Department of City Planning.

(a) Every required off-street parking or loading space shall be located on the same lot as the use served by it, except as provided in Sections 159, 160 and 161 of this Code.

(b) Every required off-street parking or loading space shall be located in its entirety within the lot lines of private property.

(c) Every off-street parking or loading space shall have adequate means of ingress from and egress to a street or alley. Every required off-street parking or loading space shall be independently accessible, with the exception of a parking space for a minor second dwelling unit in an RH-1(S) district. In C-3 districts, if it is found, in accordance with the provisions of Section 309, that independently accessible spaces are infeasible due to site constraints, the substitution of attendant parking spaces for independently accessible spaces may be approved. Access to off-street loading spaces shall be from alleys in preference to streets.

In C-3 districts, where there is a choice, access to off-street parking and loading spaces shall be from streets and alleys which are not part of the pedestrian network and minor streets rather than transit preferential streets or major arterial streets, all as identified in the Downtown Plan, a component of the Master Plan.

Adequate reservoir space shall be provided on private property for entrance of vehicles to offstreet parking and loading spaces except with respect to spaces independently accessible directly from the street.

(d) All off-street freight loading and service vehicle spaces in the C-3-O, C-3-R and C-3-G districts shall be completely enclosed and access from a public street or alley shall be provided by means of a private service driveway, which is totally contained within the structure. Such a private service driveway shall include adequate space to maneuver trucks and service vehicles into and out of all provided spaces, and shall be designed so as to facilitate access to the subject property while minimizing interference with street and sidewalk circulation. Any such private service driveway shall be of adequate width to accommodate drive-in movement from the adjacent curb or inside traffic lane but shall in no case exceed 30 feet. Notwithstanding the foregoing, up to four spaces may be allowed, pursuant to the provisions of Section 309, to be individually accessible directly from a street or alley which is primarily used for building service.

(e) In a C-3 district, where site constraints would make a consolidated freight loading and service vehicle facility impractical, service vehicle spaces required by Sections 153(a)6 and 154(b)3 of this Code may be located in a parking garage for the structure or other location separate from freight loading spaces.

(f) In a C-3 district, whenever off-street freight loading spaces are provided, freight elevators immediately accessible from the loading dock shall be provided to all floors which contain uses that are included in the calculation of required number of freight loading spaces. If freight loading facilities are subterranean, the location and operation

of freight elevators shall be designed, where feasible, to discourage use of freight elevators for deliveries from the ground floor. Directories of building tenants shall be provided at all freight elevators. A raised loading dock or receiving area shall be provided with sufficient dimensions to provide for short-term storage of goods. All required freight loading and service vehicle spaces shall be made available only to those vehicles at all times, and provision shall be made to minimize interference between freight loading and service operations, and garbage dumpster operations and storage.

(g) In order to discourage long-term commuter parking, any off-street parking spaces provided for a structure or use other than residential or hotel in a C-3 District, whether classified as an accessory or conditional use, which are otherwise available for use for long-term parking by downtown workers shall maintain a rate or fee structure for their use such that the rate charge for four hours of parking duration is no more than four (4) times the rate charge for the first hour, and the rate charge for eight or more hours of parking duration is no less than 10 times the rate charge for the first hour. Additionally, no discounted parking rate shall be permitted for weekly, monthly or similar time-specific periods.

(h) The internal layout of off-street parking and loading spaces, driveways, aisles and maneuvering areas shall be according to acceptable standards, and all spaces shall be clearly marked.

(i) For each 25 off-street parking spaces provided, one such space shall be designed and designated for handicapped persons.

(j) For each 20 off-street parking spaces provided, one space shall be provided for parking of a bicycle.

(k) Off-street parking and loading facilities shall be arranged so as to prevent encroachments upon sidewalk areas and adjacent properties, in the maneuvering, standing and storage of vehicles, by means of the layout of facilities and by use of bumper or wheel guards or such other devices as are necessary.

(l) Driveways crossing sidewalks shall be no wider than necessary for ingress and egress, and shall be arranged, to the extent practical, so as to minimize the width and frequency of curb cuts, to maximize the number and size of on-street parking spaces available to the public, and to minimize conflicts with pedestrian and transit movements.

(m) Every off-street parking or loading facility shall be suitably graded, surfaced, drained and maintained.

(n) Off-street parking and loading spaces shall not occupy any required open space, except as specified in Section 136 of this Code.

(o) No area credited as all or part of a required off-street parking space shall also be credited as all or part of a required off-street loading space, or used as all or part of an unrequired off-street loading space. No area credited as all or part of a required off-street loading space shall also be credited as all or part of a required off-street parking space, or used as all or part of an unrequired off-street parking space.

(p) Any off-street freight loading area located within 50 feet of any R district shall be completely enclosed within a building if such freight loading area is used in regular night operation.

SEC. 156. PARKING LOTS.

(a) A parking lot is hereby defined as an off-street open area or portion thereof solely for the parking of passenger automobiles. Such an area or portion shall be considered a parking lot whether or not on the same lot has another use, whether or not required by this Code for any structure or use, and whether classified as an accessory, principal or conditional use.

(b) Where parking lots are specified in Article 2 of this Code as a use for which conditional use approval is required in a certain district, such conditional use approval shall be required only for such parking lots in such district as are not qualified as accessory uses under Section 204.5 of this Code. The provisions of this Section 156 shall, however, apply to all parking lots whether classified as accessory, principal or conditional uses.

(c) In considering any application for a conditional use for a parking lot for a specific use or uses, where the amount of parking provided exceeds the amount classified as accessory parking in Section 204.5 of this Code, the City Planning Commission shall consider the criteria set forth in Section 157.

(d) Any parking lot for the parking of two or more automobiles which adjoins a lot in any R district, or which faces a lot in any R district across a street or alley, shall be screened from view therefrom, except at driveways necessary for ingress and egress, by a solid fence, a solid wall, or a compact evergreen hedge, not less than four feet in height.

(e) Any parking lot for the parking of 10 or more automobiles within the C-3-O, C-3-R or C-3-G district shall be screened from view from every street, except at driveways necessary for ingress and egress, by a solid fence, a solid wall, or a compact evergreen hedge, not less than four feet in height.

(f) All artificial lighting used to illuminate a parking lot for any number of automobiles in any R district or C district shall be so arranged that all direct rays from such lighting fall entirely within such parking lot.

(g) No parking lot for any number of automobiles shall have conducted upon it any dead storage or dismantling of vehicles, or any repair or servicing of vehicles other than of an emergency nature.

(h) No permanent parking lot shall be permitted in C-3-O, C-3-R, and C-3-G Districts; temporary parking lots may be approved as conditional uses pursuant to the provisions of Section 303 for a period not to exceed two years from the date of approval; permanent parking lots in C-3-S Districts shall be permitted only as a conditional use.

SEC. 158. MAJOR PARKING GARAGES IN C-3 DISTRICTS.

(a) Statement of purpose. It is the purpose of this section to establish a procedure by which major parking garages proposed for downtown San Francisco may be reviewed as to the appropriateness of their location and arrangement, recognizing the need for continuing development of a unified transportation system conveniently serving the downtown area.

(b) Definition of major parking garage. A major parking garage shall be any garage for the parking of passenger automobiles, for short or long term periods and for any use, which is not classified as an accessory parking facility under Section 204.5 of this Code.

(c) Review by City Planning Commission. Review of the location and design of any major parking garage in a C-3 district by the City Planning Commission, either as a conditional use under Section 303 of this Code or upon referral by the Board of Supervisors or any other agency, shall be in accordance with the criteria set forth below.

(d) Criteria for review. The following criteria shall be considered, in addition to those stated in Section 303(c) of this Code, and those stated in Section 157 of this Code when applicable:

1. Accessibility to the area of the proposed site and to the proposed parking garage itself, from freeway ramps or from major thoroughfares;

2. Convenient service to areas of concentrated development, particularly those within the C-3-O and C-3-R districts, by location of the proposed parking garage near or adjacent to but not inside such concentrated areas;

3. Minimization of conflict of the proposed parking garage with pedestrian movements and amenities, resulting from the placement of driveways and ramps, the breaking of continuity of shopping facilities along sidewalks, and the drawing of traffic through areas of heavy pedestrian concentration;

4. The service patterns of other forms of transportation;

5. Establishment of a parking rate structure or fee favorable to short-term parking (4 hours or less) and designed to discourage long-term parking, as set forth in Section 155(g) of this Code.

6. Minimization of conflict of the proposed parking garage with transit operations and loading points, resulting from the location of driveways, ramps and vehicle queueing areas;

7. The objectives and policies of the Downtown Plan, a component of the Master Plan; and
8. Such other criteria as may be deemed appropriate in the circumstances of the particular case.

SEC. 161. EXEMPTIONS FROM OFF-STREET PARKING, FREIGHT LOADING AND SERVICE VEHICLE REQUIREMENTS. The following exemptions shall apply to the requirements for off-street parking and loading spaces set forth in Sections 151 through 155 of this Code. These provisions, as exemptions, shall be narrowly construed.

(a) No off-street parking shall be required for a one-family or two-family dwelling where the lot on which such dwelling is located is entirely inaccessible by automobile because of topographic conditions.

(b) No off-street loading shall be required where access to the lot cannot be provided other than by means of a driveway across a sidewalk 25 feet or more in width from the curb to the front lot line which would cause serious disruption to pedestrian traffic.

(c) In recognition of the compact and congested nature of the downtown area, the accessibility of this area by public transit, and programs for provision of public parking facilities on an organized basis at specific locations, no off-street parking shall be required for any use, other than dwellings where a requirement is specified, in any C-3 district.

(d) In recognition of the small scale of development, the desirability of retention and conversion of many existing buildings of established character, the need to relieve congestion, and the provision of public parking facilities on an organized basis at specific locations, no off-street parking shall be required for any use other than dwellings in Washington-Broadway Special Use District Numbers 1 and 2 as described in Section 239 of this Code, where the size of the lot does not exceed 20,000 square feet.

(e) In recognition of the close neighborhood orientation of the uses provided for in Residential-Commercial Combined districts of high density, no off-street parking shall be required for any principal use in an RC-4 district for which the form of measurement is occupied floor area, where the occupied floor area of such use does not exceed 10,000 square feet.

(f) In recognition of the policies set forth in The Plan for the Northeastern Waterfront, a part of the Master Plan, the unique nature of the area and the difficulty of providing vehicular access thereto, the City Planning Commission in specific cases may determine an appropriate reduction in off-street parking requirements in the Northern Waterfront Special Use District Number 1 as described in Section 240.1 of this Code, in authorizing any conditional use under that section. In considering any such reduction, the City Planning Commission shall consider the following criteria:

1. The anticipated parking demand to be generated by the particular use contemplated;
2. Accessibility to the proposed site from freeway ramps or from major thoroughfares;
3. Minimization of conflict of vehicular and pedestrian movements;
4. The service patterns of forms of transportation other than the automobile;
5. The pattern of land uses and the availability of parking in the vicinity;
6. The policies set forth in The Plan for the Northeastern Waterfront, including policies concerning the relative emphasis that should be given to pedestrian and vehicular movement; and

7. Such other criteria as may be deemed appropriate in the circumstances of the particular case.

(g) In instances in which all public agencies involved have certified by resolution that the requirements of this Code (i) will be satisfied in whole or in part by public off-street parking facilities constructed or authorized to be constructed for a special assessment district or upon any other basis, or (ii) in C-3 districts will be satisfied by a requirement of a cash contribution in an amount deemed sufficient to provide for the future

construction of the required number of parking stalls, off-street parking required for individual buildings and uses may be correspondingly reduced if the total off-street parking supply in the area will nevertheless meet the requirements of this Code for all buildings and uses in the area.

(h) The off-street parking requirements for dwelling units in the North of Market Residential Special Use District, as described in Section 249.5 of this Code, may be reduced by the City Planning Commission pursuant to the procedures for conditional use authorization set forth in Section 303 of this Code. In acting upon any application for a reduction of requirements, the City Planning Commission shall consider the criteria set forth below in lieu of the criteria set forth in Section 303(c), and may grant the reduction if it finds that:

1. The reduction in the parking requirement is justified by the reasonably anticipated auto usage by residents of and visitors to the project; and
2. The reduction in the parking requirement will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity.

(i) In recognition of the fact that site constraints in C-3 Districts may make provision of required freight loading and service vehicle spaces impractical or undesirable, a reduction in or waiver of the provision of freight loading and service vehicle spaces for uses in C-3 Districts may be permitted, in accordance with the provisions of Section 309 of this Code. In considering any such reduction or waiver, the following criteria shall be considered:

1. Provision of freight loading and service vehicle spaces cannot be accomplished underground because site constraints will not permit ramps, elevators, turntables and maneuvering areas with reasonable safety;
2. Provision of the required number of freight loading and service vehicle spaces on-site would result in the use of an unreasonable percentage of ground-floor area, and thereby preclude more desirable use of the ground floor for retail, pedestrian circulation or open space uses;
3. A jointly used underground facility with access to a number of separate buildings and meeting the collective needs for freight loading and service vehicles for all uses in the buildings involved, cannot be provided; and
4. Spaces for delivery functions can be provided at the adjacent curb without adverse effect on pedestrian circulation, transit operations or general traffic circulation, and off-street space permanently reserved for service vehicles is provided either on-site or in the immediate vicinity of the building.

Sec. 162. TOUR BUS LOADING SPACES IN C-3 DISTRICTS.

Off-street tour bus loading spaces shall be provided for hotel uses in C-3 districts in the minimum quantities as follows:

<u>Number of Hotel Rooms</u>	<u>Number of Off-Street Loading Spaces Required</u>
0-200	0
201-350	1
Each additional 300 rooms	1 additional

The dimensions for each space shall be a minimum of 45 feet by 9 feet with a minimum vertical clearance of 14 feet. If more than one space is required there shall also be a bypass through lane.

(b) In recognition of the fact that site constraints in C-3 districts may make provision of the required number of tour bus loading spaces impractical, a reduction in or waiver of the provision of such spaces in C-3 districts may be permitted, in accordance with the provisions of Section 309 of this Code. In considering any such reduction or waiver, the following criteria shall be considered:

1. the site size is not large enough to permit a configuration of spaces that could satisfy the requirements of subsection (a);
2. provision of the required number and/or size of spaces would result in the use of an unreasonable percentage of ground floor area and thereby preclude more desirable use of the ground floor for retail, pedestrian circulation or open space uses;
3. spaces for tour bus loading can be provided at adjacent curbs or in the immediate vicinity without adverse effect on pedestrian circulation, transit operations or general traffic circulation.

SEC. 163. TRANSPORTATION MANAGEMENT PROGRAMS AND TRANSPORTATION BROKERAGE SERVICES IN C-3 DISTRICTS.

(a) Purpose. This Section is intended to assure that adequate measures are undertaken and maintained to minimize the transportation impacts of added office employment in the downtown, in a manner consistent with the objectives and policies of the Master Plan, by facilitating the effective use of transit, encouraging ridesharing, and employing other practical means to reduce commute travel by single-occupant vehicles.

(b) Requirement. For any new building or additions to or conversion of an existing building in C-3 Districts where the gross square feet of new, converted or added floor area for office use equals at least 100,000 square feet, the project sponsor shall be required to provide on-site transportation brokerage services for the actual lifetime of the project, as provided in this subsection. Prior to the issuance of a temporary permit of occupancy (for this purpose Section 149(d) shall apply), the project sponsor shall execute an agreement with the Department of City Planning for the provision of on-site transportation brokerage services and preparation of a transportation management program to be approved by the Director of Planning and implemented by the provider of transportation brokerage services. The transportation management program and transportation brokerage services shall be designed:

1. To promote and coordinate effective and efficient use of transit by tenants and their employees, including the provision of transit information and sale of transit passes on-site.
2. To promote and coordinate ridesharing activities for all tenants and their employees within the structure or use.
3. To reduce parking demand and assure the proper and most efficient use of on-site or off-site parking, where applicable, such that all provided parking conforms with the requirements of Article 1.5 of this Code and project approval requirements.
4. To promote and encourage project occupants to adopt a coordinated flex-time or staggered work hours program designed to more evenly distribute the arrival and departure times of employees within normal peak commute periods.
5. To participate with other project sponsors in a network of transportation brokerage services for the downtown area.
6. To carry out other activities determined by the Department of City Planning to be appropriate to meeting the purpose of this requirement.

SEC. 164. LOCAL EMPLOYMENT PROGRAMS AND EMPLOYMENT BROKERAGE SERVICES IN C-3 DISTRICTS.

(a) Purpose. This Section is intended to assure that adequate measures are undertaken and maintained to maximize the access of San Francisco residents to new jobs created by added office development in the downtown.

(b) Requirement. For any new building or additions to or conversion of an existing building in C-3 Districts where the gross square feet of new, converted or added floor

area for office use equals at least 100,000 square feet, the project sponsor shall be required to provide employment brokerage services for the actual lifetime of the project, as provided in this subsection. Prior to the issuance of the first permit of occupancy (for this purpose Section 149(d) shall apply), the project sponsor shall: (1) prepare a local employment program to be approved by the Director of Planning, or his or her designee, and to be implemented by the provider of employment brokerage services; and (2) execute an agreement with the Department of City Planning, or its designee, for the provision of employment brokerage services and implementation of the local employment program. The local employment program shall be designed:

1. to determine the number and nature of jobs that will become available as a result of added downtown office development;
2. to publicize to San Francisco residents the availability of those jobs;
3. to work with local schools and job training programs to create a labor pool of San Francisco residents qualified to obtain jobs created by added downtown office development;
4. to work with employers in the building to encourage their hiring of qualified San Francisco residents;
5. to carry out other activities determined by the Department of City Planning, or its designee, to be reasonable and appropriate in meeting the purpose of this requirement.

(c) All such agreements required under this Section shall mandate that the project sponsor shall abide by any existing applicable state or local programs and laws designed to both train and place in employment minorities and economically disadvantaged women as defined in this section. For the purposes of this section, the term "minorities" shall include, but not be limited to, blacks, hispanics, Asians (including, but not limited to, Chinese, Japanese, Koreans, Pacific Islanders, Samoans, and Southeast Asians), Filipinos and American Indians. For the purposes of this section "economically disadvantaged women" shall include, but not be limited to, women receiving Aid for Families with Dependent Children (AFDC) or similar state or local aid. Where there are no such training and employment placement programs, or existing programs are found inadequate by the Human Rights Commission, that Commission may recommend to the Director for consideration additional programs to fulfill the goals of this section.

SEC. 165. CHILD CARE PLANS AND CHILD CARE BROKERAGE SERVICES IN C-3 DISTRICTS.

(a) Purpose. This Section is intended to assure that adequate measures are undertaken and maintained to minimize the child care impacts created by additional office employment in the downtown, in a manner consistent with the objectives and policies of the Master Plan, by facilitating the development, expansion and maintenance of affordable, quality child care programs and auxiliary services, the latter including, but not limited to, resource and referral services.

(b) Requirement. For any new building or additions to or conversion of an existing building in the C-3 District where the gross square feet of new, converted or added floor area for office use equals at least 100,000 square feet, the project sponsor shall be required to provide on-site child care brokerage services for the actual lifetime of the project. For any new building or additions to or conversion of an existing building in the C-3 District where the gross square feet of new, converted or added floor area for office use equals at least 50,000 square feet, the project sponsor shall be required to provide child care brokerage services for the lifetime of the project, by either: (1) providing such services on-site or, (2) providing such services through a consortium of like-sized sponsors, where such services are made available within a radius of 2 city blocks from the sponsor's project or (3) subcontracting with a child care brokerage service already serving a project within a radius of 2 city blocks from the sponsor's project. Prior to the issuance of the first certificate of occupancy, the project sponsor shall execute an agreement with the Department of City Planning for the provision of child care brokerage services as

provided in this subsection and preparation of a child care plan to be approved by the Director of Planning and implemented by the provider of child care brokerage services. The procedure set forth in Section 149(b) governing notice to the Zoning Administrator and issuance of the first certificate of occupancy shall also be applicable with respect to the requirements of this section. The child care plan and child care brokerage services shall be designed:

1. To promote the provision of on-site child care resource services and easily accessible child care referral services, using, to the maximum extent feasible, existing community agencies;
2. To promote where feasible, the development of on-site child care facilities, accessible and affordable to all segments of the community; to promote the development, expansion and maintenance of off-site child care facilities accessible and affordable to all segments of the community;
3. To promote and coordinate the development and use of open space for child care programs in the C-3 District;
4. To promote and coordinate the development of transportation services assisting employees who choose either to bring their children to on-site care or who seek means of transporting their children to off-site care;
5. To promote and encourage project occupants to adopt flex-time or staggered work hours programs, job-sharing programs, parental leave policies and dependent care assistance programs designed to accommodate the needs of working parents and their children;
6. To promote the development of parenting resources;
7. To promote the development of data collection, to document the numbers of worker parents in the project work force, number and ages of their children, supply of child care available to those parents, cost of available care, preferences for child care and need for special services; and coordinate such data collection with the data collection efforts of other project sponsors and the local resource and referral agency.
8. To carry out other activities determined by the Department of City Planning to be appropriate to meeting the purpose of this requirement.

SEC. 175.1. TRANSITIONAL INTERIM EXTENSION OF PLANNING CODE PROVISIONS FOR PERMITS APPROVED PRIOR TO ADOPTION OF AMENDMENTS IMPLEMENTING THE DOWNTOWN PLAN.

(a) Intent. It is the intent of this section to provide for an orderly transition from prior zoning and planning requirements to the requirements imposed in implementing the Downtown Plan (Ordinance No. 414-85), without impairing the validity of prior actions by the City, or frustrating completion of actions authorized prior to the effective date of such Ordinance. This section shall be construed liberally to accomplish its purpose.

(b) Effect of Amendments. Notwithstanding the provisions of Sections 175 or 302 or any other provision of this Code, but subject to the provisions set forth in the last sentence of this subsection, any project that has received one or more approvals by the City Planning Commission or the Zoning Administrator, whether by approval of an application for a building permit, site permit, conditional use, variance, or other license, (other than approvals that are required as part of the environmental review process), prior to the effective date of Ordinance No. 414-85, shall continue to be governed by the provisions of this Code in effect at the time of such approval; provided, however, that such permit or permit application is subject to any time limits imposed pursuant to the Building Code or as a condition of approval of the project. If the project has received more than one type of approval, the approval that is referred to herein is the first. The provisions of this subsection shall apply to such project even if the project is modified, after the effective date of Ordinance No. 414-85, provided, however, that any modification resulting in a change of use or increase in square footage may be approved only as a conditional use by the City Planning Commission and in no case may an increase of square feet in excess of 15,000 be allowed. Any project for which a public hearing was

held on a Draft Environmental Impact Report prior to May 9, 1985 and for which Responses to Comments were published on or before July 1, 1985, which project receives its first approval by the City Planning Commission, as approval is described in this subsection, after July 1, 1985, shall be subject to all of the provisions of Ordinance No. 414-85, other than Sections 320 through 324 (except that Section 321(a)(2) applies).

(c) Expiration. The exemption provided by this section shall terminate with respect to a project (1) six (6) months after the effective date of Ordinance No. 414-85, or (2) 24 months after the date of approval of the project (as the term "approval" is described in subsection (b) above) or, if more than one approval has been given, of the first approval of the project, or (3) with respect to projects which are reconsidered by the City Planning Commission as a result of any administrative or judicial appellate process, 24 months after the date of the first hearing by the Commission regarding such reconsideration, whichever of subsections (c)(1), (2) or (3) is later. The time periods provided in Subsections (c)(1) and (2) shall be tolled during any period in which the project sponsor was legally prevented from commencing or proceeding under the project approval due to court order, legislative moratorium, or other similar events.

SEC. 175.2. EXEMPTION FROM APPLICATION OF AMENDMENTS IMPLEMENTING THE DOWNTOWN PLAN.

(a) Exemptions.

1. The amendments to Section 124 of this Code contained in Ordinance No. 414-85 shall not apply to projects for the substantial rehabilitation and adaptive reuse of buildings designated as landmarks by the Board of Supervisors pursuant to Article 10 of this Code and for which a building permit application and an application for environmental review have been filed with the Department of City Planning prior to October 11, 1984.

2. The amendments of this Code contained in Ordinance No. 414-85 shall not apply to:

(A) Integrated development projects involving the substantial rehabilitation and adaptive reuse of buildings designated as landmarks by the Board of Supervisors pursuant to Article 10 of this Code and for which a building permit application and an application for environmental review have been filed with the Department of City Planning prior to October 11, 1984. "Integrated development" means a project involving several buildings which are integrated with rehabilitation of a landmark designated pursuant to Article 10 of this Code and which are located on sites that, but for separations by a street or alley, are adjacent to such landmark; or

(B) the relocation, substantial rehabilitation and adaptive reuse of buildings designated as landmarks by the Board of Supervisors pursuant to Article 10 of this Code and for which an application for a certificate of appropriateness to demolish or relocate and an application for environmental review have been filed with the Department of City Planning prior to October 11, 1984.

(b) Conditional Use Requirement. Applications for a permit authorizing a project covered by subsection (a) may be approved only as a conditional use. In addition to the criteria set forth in Planning Code Section 303, the City Planning Commission shall consider the provisions of Ordinance No. 414-85 insofar as they govern:

- (A) Density, height, bulk and setbacks;
- (B) Offstreet loading facilities;
- (C) Building appearance;
- (D) Open space;
- (E) Sunlight access;
- (F) Pedestrian circulation;
- (G) Streetscape; and
- (H) Preservation of architecturally Significant and Contributory buildings.

SEC. 175.3. EXEMPTION OF THE YERBA BUENA CENTER REDEVELOPMENT PROJECT AREA. The amendments of this Code contained in Ordinance No. 414-85 other than Code Sections 320 through 324 shall not apply in the Yerba Buena Center Redevelopment area as described in Ordinance No. 538-81. Provisions of this Code which, pursuant to the provisions of the Yerba Buena Center Redevelopment Plan, were applicable to the Yerba Buena Center Redevelopment area prior to the effective date of Ordinance No. 414-85 shall remain in full force and effect with respect to Yerba Buena Center Redevelopment area.

SEC. 175.4. EXEMPTION OF THE RINCON POINT SUB-AREA OF THE RINCON POINT-SOUTH BEACH REDEVELOPMENT AREA. The amendments of this Code contained in Ordinance No. 414-85 other than Code Sections 320 through 324 shall not apply in the Rincon Point Sub-area of the Rincon Point-South Beach Redevelopment Area as described in Ordinance No. 50-84. Provisions of this Code which, pursuant to the provisions of the Rincon Point-South Beach Redevelopment Plan, were applicable to the Rincon Point Sub-area prior to the effective date of Ordinance No. 414-85 shall remain in full force and effect with respect to the Rincon Point Subarea of the Rincon Point-South Beach Redevelopment area.

SEC. 184. SHORT-TERM CONTINUANCE OF CERTAIN NONCONFORMING USES. The period of time during which the following nonconforming uses may continue or remain shall be limited to five years from the effective date of this Code (May 2, 1960), or of the amendment thereto which caused the use to be nonconforming. Every such nonconforming use shall be completely eliminated within 90 days after the expiration of such period.

(a) Any nonconforming commercial or industrial use of land where no enclosed building is involved in such use, except for permanent off-street parking lots in the C-3-O, C-3-R and C-3-G districts existing on the effective date of Ordinance No. 414-85, provided that such lots are screened in the manner required by Section 156(e).

(b) Any use of a type first permitted as a principal or conditional use in a C or M district or in a Residential Commercial Combined district, when occupying a building in an R district other than a Residential Commercial Combined district that has an assessed valuation not in excess of \$500 on the effective date of this Code or such later date as the use becomes nonconforming with the following exceptions:

1. Any lawful use in this category in a building having an assessed valuation of \$250 or more on the effective date of this Code, or such later date as the use becomes nonconforming, shall have a period of permitted continuance of 10 years from the date at which the property was placed in a Residential zoning classification, if such a period of continuance produces an expiration date which is later than the expiration date stated above; or

2. Any lawful use in this category which is of a type first permitted in a C-1 district; or of a type first permitted in any other district and supplying commodities at retail, or offering personal services, primarily to residents of the immediate vicinity; shall have a period of permitted continuance of 10 years from the effective date of this Code, or of the amendment thereto which caused the use to be nonconforming. After five years of such period have elapsed, any use as described in this Paragraph (b)2 shall, upon application, be qualified for consideration by the City Planning Commission as a conditional use as regulated in Section 303 of this Code.

SEC. 210.3. C-3 Districts: Downtown Commercial.

Downtown San Francisco, a center for city, regional, national and international commerce, is composed of four separate districts, as follows:

C-3-O District: Downtown Office.

This district, playing a leading national role in finance, corporate headquarters and service industries, and serving as an employment center for the region, consists primarily of high quality office development. The intensity of building development is the greatest

in the city, resulting in a notable skyline symbolizing the area's strength and vitality. The district is served by city and regional transit reaching its central portions and by automobile parking at peripheral locations. Intensity and compactness permit face-to-face business contacts to be made conveniently by travel on foot. Office development is supported by some related retail and service uses within the area, with inappropriate unrelated uses excluded in order to conserve the supply of land in the core for further development of major office buildings.

C-3-R District: Downtown Retail.

This district is a regional center for comparison shopper retailing and direct consumer services. It covers a compact area with a distinctive urban character, consists of uses with cumulative customer attraction and compatibility, and is easily traversed by foot. Like the adjacent Downtown Office district, this district is well served by city and regional transit, with automobile parking best located at its periphery. Within the district, continuity of retail and consumer service uses is emphasized, with encouragement of pedestrian interest and amenities and minimization of conflicts between shoppers and motor vehicles. A further merging of this district with adjacent, related districts is anticipated, partially through development of buildings which combine retailing with other functions.

C-3-G District: Downtown General Commercial.

This district covers the northern and western portions of downtown and is composed of a variety of uses: retail, offices, hotels, entertainment, clubs and institutions, and high-density residential. Many of these uses have a city-wide or regional function, although the intensity of development is lower here than in the downtown core area. As in the case of other downtown districts, no off-street parking is required for individual commercial buildings, but in portions of this district automobile parking is a major land use, serving this district and the adjacent office and retail core areas. In the vicinity of Market Street, the configuration of this district reflects easy accessibility by rapid transit.

C-3-S District: Downtown Support.

This district accommodates near the intensive downtown core areas important supporting functions such as wholesaling, printing, building services, secondary office space and parking. It also contains unique housing resources. Motor vehicle access from freeway ramps to this district is good, and truck and automobile traffic is heavy; at the same time, the district is within walking distance of rapid transit on Market Street. In its eastern portion, the district also serves in part as an expansion area for offices, at a lesser intensity than in the Downtown Office district. The district has for the most part been underdeveloped in the past, and opportunities exist for major developments of new uses covering substantial areas.

SEC. 212. ADDITIONAL REQUIREMENTS FOR USES IN CERTAIN C AND M DISTRICTS. In the following C and M districts, the permitted uses indicated in Sections 215 through 227 shall be subject to the additional requirements contained in this Section 212.

(a) In C-1 and C-2 districts, all permitted uses, and all storage, servicing, fabricating, processing or repair uses accessory thereto, shall be conducted within enclosed buildings, with the exceptions of those uses indicated by an asterisk (*) in the column for the district, and with the exception, also, of the following accessory uses where permitted:

1. Accessory off-street parking and loading area.
2. Accessory outdoor dining areas.
3. Accessory recreation areas.

(b) In C-1, C-3-0, C-3-R and C-3-G districts, no permitted use shall include an establishment of the "drive-in" type, serving customers waiting in parked motor vehicles, with the exception of automobile service stations and automobile washes where permitted.

(c) In the C-3-R district, along any block frontage that is entirely within such district or partly in such district and partly in the C-3-0 district, where such block

residence club, commune, fraternity or sorority house, monastery, nunnery, convent or ashram. It shall also include group housing affiliated with and operated by a medical or educational institution, when not located on the same lot as such institution, which shall meet the applicable provisions of Section 304.5 of this Code concerning institutional master plans. The density limitations for all group housing described in this subsection shall be based upon the density limitations for group housing in the nearest R district, following the same rules as those set forth in Section 215(a) of this Code for dwelling unit densities in C and M districts.

(b) Hotel, inn or hostel containing rooms or suites of rooms, none with individual cooking facilities, which are offered for compensation and are primarily for the accommodation of transient overnight guests. A hotel, inn or hostel shall not include a motel as described in Subsection 216(c) below:

(i) 200 rooms or less

(ii) more than 200 rooms

(c) Motel, including an auto court, motor lodge, tourist court or other facility similarly identified, containing rooms or suites of rooms, none with individual cooking facilities, which are offered for compensation and are primarily for the accommodation of transient guests traveling by automobile, and where each sleeping unit is independently accessible from the outside; provided, that the entrance to such motel is within 200 feet of and immediately accessible from a major thoroughfare as designated in the Master Plan.

(d) Motel, as described in Subsection 216(c) above but without restriction as to location of its entrance.

SEC. 219. OFFICES.

(a) Professional and business offices not more than 5,000 gross square feet in size and offering on-site services to the general public.

(b) Professional and business offices larger than 5,000 gross square feet in size and offering on-site services to the general public.

(c) Other professional and business offices above the ground floor.

In the C-3-R district, in addition to the criteria set forth in Section 303, approval shall be given upon a determination that the use will not detract from the district's primary function as an area for comparison shopper retailing and direct consumer services.

(d) Other professional and business offices at or below the ground floor.

SEC. 223. AUTOMOTIVE.

(a) Sale or rental of new or used automobiles, when conducted entirely within an enclosed building.

(b) Sale or rental of new or used trucks, when conducted entirely within an enclosed building.

(c) Lot for sale or rental of new or used automobiles.

(d) Lot for sale or rental of new or used trucks.

(e) Sale or rental of new or used automobile trailers.

	C1	C2	C3O	C3R	C3G	C3S	CM	M1	M2
(i) 200 rooms or less	P	P	P	P	P	P	P	C	C
(ii) more than 200 rooms	P	P	C	C	P	P	P	C	C
(c) Motel, including an auto court, motor lodge, tourist court or other facility similarly identified, containing rooms or suites of rooms, none with individual cooking facilities, which are offered for compensation and are primarily for the accommodation of transient guests traveling by automobile, and where each sleeping unit is independently accessible from the outside; provided, that the entrance to such motel is within 200 feet of and immediately accessible from a major thoroughfare as designated in the Master Plan.	P	NA					---	NA	---
(d) Motel, as described in Subsection 216(c) above but without restriction as to location of its entrance.	P			P	P	P	C	C	
SEC. 219. OFFICES.									
(a) Professional and business offices not more than 5,000 gross square feet in size and offering on-site services to the general public.	P	P	P	P	P	P	P	P	P
(b) Professional and business offices larger than 5,000 gross square feet in size and offering on-site services to the general public.	P	P	P	C	P	P	P	P	P
(c) Other professional and business offices above the ground floor.	P	P	P	C	P	P	P	P	P
In the C-3-R district, in addition to the criteria set forth in Section 303, approval shall be given upon a determination that the use will not detract from the district's primary function as an area for comparison shopper retailing and direct consumer services.									
(d) Other professional and business offices at or below the ground floor.	P	P	C		C	C	P	P	P
SEC. 223. AUTOMOTIVE.									
(a) Sale or rental of new or used automobiles, when conducted entirely within an enclosed building.	P	P	P		P	P	P	P	P
(b) Sale or rental of new or used trucks, when conducted entirely within an enclosed building.	P				P	P	P	P	
(c) Lot for sale or rental of new or used automobiles.	C				C	C	P	P	P
	*								
(d) Lot for sale or rental of new or used trucks.	C				C	C	P	P	P
	*								
(e) Sale or rental of new or used automobile trailers.	C				C	C	P	P	P
	*								

(f) Automobile service station for the sale and dispensing of gasoline, other motor fuels and lubricating oil directly into motor vehicles. The following activities shall be permitted at such a service station if normally conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of any R district:

1. The sale and dispensing of greases and brake fluids, including motor vehicle lubrication; and the sale or installation of tires, batteries and other accessories;

2. Miscellaneous minor servicing and adjusting, which may include brakes, electrical equipment, fan belt, head lamps, spark plugs, air filter, distributor points, carburetor, and generator charging rate;

3. Installation of lamp globes, spark plugs, oil filter or filtering element, windshield wiper blades and motors, radiator hose (without removal of radiator or water pump), battery cables and fan belt;

4. The servicing and repairing of tires and batteries;

5. The installation and servicing of smog control devices;

and

6. Automobile washing and polishing of an incidental nature, when performed primarily by hand and not including the use of any mechanical conveyor blower or steam cleaning device.

(g) Automobile service station as described above, with the following minor automobile repairs permitted therewith if conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet on any R district:

1. Tuneup, including the repair or replacement of distributors, spark plugs and carburetors;

2. Brake repair;

3. Shock absorber replacement;

4. Muffler exchange, with no open flame or torch;

5. Wheel balancing and alignment;

6. Wheel bearing and seals replacement;

7. Replacement of universal joints:

8. Radiator mounting and dismounting, with repairs done elsewhere:

9. Clutch adjustments:

10. Repair or replacement of water pumps;

11. Repair or replacement of generators, alternators and voltage regulators;

12. Repair or replacement of starters:

13. Repair or replacement of fuel pumps;

14. Such other repairs as may be designated by the Chief of the San Francisco Fire Department as minor repairs under Paragraph 8.09(a)(5)(o) of Part II, Chapter IV (Fire Code) of the San Francisco Municipal Code.

(h) Repair garage for minor automobile repairs, limited to those repairs and other activities permitted at an automobile service station as described above, and in addition the following minor automobile repairs; all such repairs and other activities shall be conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of any R district.

1. Body and fender repair limited to replacement of parts

2. Removal and replacement of engines, transmissions and differentials, with repairs to these components done elsewhere.
- (i) Repair garage for the following major automobile repairs, if conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of any R district:
 1. Internal engine repair or rebuilding;
 2. Repair or rebuilding of transmissions, differentials or radiators;
 3. Reconditioning of badly worn or damaged motor vehicles or trailers;
 4. Collision service, including body, frame or fender straightening or repair; and
 5. Full body paint spraying.
- (j) Automobile wash, when providing on the premises a reservoir of vehicle storage and standing area, outside the washing facilities, equal to at least 1/4 the hourly capacity in vehicles of such facilities; provided, (1) that incidental noise is reasonably confined to the premises by adequate soundproofing or other device, and (2) that complete enclosure within a building may be required as a condition of approval, notwithstanding any other provision of this Code; but the foregoing provisions shall not preclude the imposition of any additional conditions pursuant to Section 303 of this Code.
- (k) Tire recapping, if conducted on premises not less than 200 feet from any R district.
- (l) Parking lot, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code.
- (m) Storage garage open to the public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is not a public building requiring approval by the Board of Supervisors under other provisions of law and is completely enclosed.
- (n) Storage garage open to the public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is not a public building requiring approval by the Board of Supervisors under other provisions of law and is not completely enclosed.
- (o) Storage garage open to the public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is a public building requiring approval by the Board of Supervisors under other provisions of law.
- (p) Major (non-accessory) parking garage not open to the public, as defined in Section 158 and as regulated therein and in Sections 155 and 157 and other provisions of Article 1.5 of this Code.
- (q) Parcel delivery service, limited to facilities for the unloading, sorting and reloading of local retail merchandise for home deliveries, where the operation is conducted entirely within a completely enclosed building; including garage facilities for local delivery trucks, but excluding repair shop facilities.
- (r) Parcel delivery service, not subject to the above limitations.
- (s) Ambulance service.
- (t) Storage garage for commercial passenger vehicles and light delivery trucks.

C1	C2	C3O	C3R	C3G	C3S	CM	M1	M2
				P		P	P	P
	C*		C	C	C	P	P	P
C*	P*				P	P	P	P
C	P	C	C	C	C	P	P	P
C*	C*	C	C	C	C	P	P	P
P*	P*	P	P	P	P	P	P	P
C	P	C	C	C	C	P	P	P
	C	C	C	C	--NA--			
C				C	P	P	P	P
				C	P	P	P	P
				C	P	P	P	P

(u) Storage yard for commercial vehicles or trucks, if conducted within an area completely enclosed by a wall or concealing fence not less than six feet high.									C	P	P	P
(v) Truck terminal facility, if located not less than 200 feet from any R District.											C	C

SEC. 227. OTHER USES.

(a) Greenhouse or plant nursery.	P	P							P	P	P	P
	*	*										
(b) Truck gardening, horticulture.	P	P							P	P	P	P
	*	*										
(c) Mortuary establishment.			C					C	C	P	P	P
(d) Public structure or use of a non-industrial character, when in conformity with the Master Plan. Such structure or use shall not include a storage yard, incinerator, machine shop, garage or similar use.	P	P	P	P	P	P	P	P	P	P	P	P
(e) Utility installation, public service facility, excluding service yard; provided that operating requirements necessitate location within the district.	P	P	C	C	P	P	P	P	P	P	P	P
	*	*										
(f) Public transportation facility, whether public or privately owned or operated, when in conformity with the Master Plan, and which does not require approval of the Board of Supervisors under other provisions of law, and which includes:	C	C	C	C	C	C	C	C	C	C	C	C
	*	*										
1. Off-street passenger terminal facilities for mass transportation of a single or combined modes including but not limited to aircraft, ferries, fixed-rail vehicles and buses when such facility is not commonly defined as a boarding platform, bus stop, transit shelter or similar ancillary feature of a transit system and												
2. Landing field for aircraft.												
(g) Public transportation facility, when in conformity with the Master Plan, other than as required in (f) of this section or as in Secs. 223 and 226 of this Code.	C	C	C	C	C	C	C	C	P	P		
	*	*										
(h) Commercial wireless transmitting, receiving or relay facility, including towers, antennae, and related equipment for the transmission, reception, or relay of radio, television, or other electronic signals where:	P	P	P	P	P	P	P	P	P	P	P	P
1. No portion of such facility exceeds a height of 25 feet above the roof line of the building on the premises or above the ground if there is no building, or 25 feet above the height limit applicable to the subject site under Article 2.5 of this Code, whichever is the lesser height; and												
2. Such facility, if closer than 1,000 feet to any R district (except for those R districts entirely surrounded by a C-3, M or a combination of C-3 and M districts), does not include a parabolic antenna with a diameter in excess of three meters or a composite diameter or antennae in excess of six meters. (See also Section 204.3.)												
(i) Commercial wireless transmitting, receiving, or relay facility as described in Subsection 227(h) above, where:	C	C	C	C	C	C	C	C	C	C	C	C
1. Any portion of such facility exceeds a height of 25 feet above the roof line of the building on the premises or above the ground if there is no building, or 25 feet above the height limit applicable to the subject site under Article 2.5 of this Code, whichever is the lesser height; or												
2. Such facility, if closer than 1,000 feet to any R district	C1	C2	C3O	C3R	C3G	C3S	CM	M1	M2			

(except for those R districts entirely surrounded by a C-3, M or combination of C-3 and M districts), includes a parabolic antenna with a diameter in excess of three meters or a composite diameter of antennae in excess of six meters. (See also Section 204.3.)

(j) Sale or lease sign, as defined and regulated by Article 6 of this Code.

(k) General advertising sign, as defined and regulated by Article 6 of this Code.

(l) Access driveway to property in any C or M district.

(m) Planned Unit Development, as defined and regulated by Section 304 and other applicable provisions of this Code.

(n) Any use that is permitted as a principal use in any other C or M district without limitation as to enclosure within a building, wall or fence.

(o) Temporary uses, as specified in and regulated by Sections 205 through 205.2 of this Code.

C1	C2	C3O	C3R	C3C	C3S	CM	M1	M2
P	P	P	P	P	P	P	P	P
*	*							
	P	P	P	P	P	P	P	P
	*							
P	P	P	P	P	P	P	P	P
*	*							
C	C					C	C	C
								P

See Sections 205 through 205.2

*See Section 212(a).

SEC. 235. SPECIAL USE DISTRICTS. In addition to the use districts that are established by Section 201 of this Code, there shall also be in the city such special use districts as are established in this section and Sections 236-249, in order to carry out further the purposes of this Code. The designations, locations and boundaries of these special use districts shall be as provided in Sections 236-249 and as shown on the Zoning Map referred to in Section 105 of this Code, subject to the provisions of Section 105. The original of the numbered sectional maps of the Zoning Map for Special Use Districts referred to in Sections 236-249 is on file with the Clerk of the Board of Supervisors under Files No. 191-67.2 and No. 273.80. In any special use district the provisions of the applicable use district established by Section 201 shall prevail, except as specifically provided in Sections 236-249.

SEC. 248. DOWNTOWN OFFICE SPECIAL DEVELOPMENT DISTRICT.

(a) Purpose. In order to provide for an orderly expansion of the financial district in a way that will maintain a compact downtown core, and to create an area in which to direct unused development potential of lots containing Significant or certain Contributory buildings, there shall be a special use district known as the Downtown Office Special Development District (also referred to as the C-3-O (SD) District) as designated on Sectional Map No. 1 of the Zoning Map. Development at densities above the base floor area ratio in this area is appropriate only if there is a commensurate reduction in the allowable density of development on other sites in the downtown by the transfer of development rights from eligible sites as provided in Section 128.

(b) Requirements. The basic floor area ratio within the C-3-O (SD) District shall be 6.0 to 1. All other provisions of this Code applicable to the C-3-O district shall apply in the C-3-O (SD) District.

SEC. 249. MID-SOUTH OF MARKET SPECIAL USE DISTRICT. There shall be a special use district known as the Mid-South of Market Special Use District, as designated on Sectional Map Nos. 1SU^c and 7SU of the Zoning Map, in which all the provisions of this Code governing the C-3-S district shall apply, except that the basic floor area ratio limit for any office use shall be 2.0 to 1, which limit may not be exceeded through transfer of TDR as otherwise allowed by Section 128. This limit on floor area ratio is the same as that imposed as part of the Interim South of Market Industrial and Housing Conservation Special Use District, as provided in Section 246 of this Code, which District is currently under study by the Department of City Planning. The adoption of this Section is not

intended to repeal, modify, or supersede the provisions of Section 246.

SEC. 260. HEIGHT LIMITS: MEASUREMENT.

(a) Method of measurement. The limits upon the height of buildings and structures shall be as specified on the Zoning Map. In the measurement of height for purposes of such limits, the following rules shall be applicable:

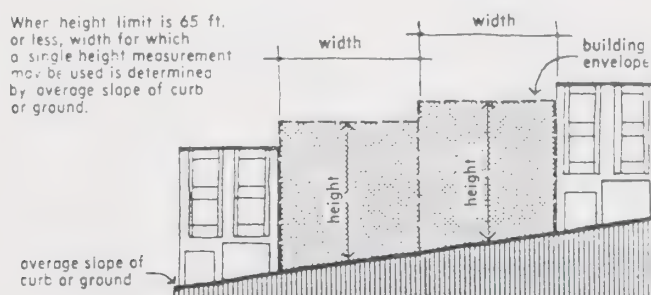
1. The point above which such measurements shall be taken shall be as specified in the definition of "height" in this Code.

2. The upper point to which such measurement shall be taken shall be the highest point on the finished roof in the case of a flat roof, and the average height of the rise in the case of a pitched or stepped roof or similarly sculptured roof form or any higher point of a feature not exempted under Subsection (b) below.

3. In cases where the height limit is 65 feet or less and a street from which height measurements are made slopes laterally along the lot, or the ground slopes laterally on a lot that also slopes upward from the street, there shall be a maximum width for the portion of the building or structure that may be measured from a single point at curb or ground level, according to the definition of "height", as specified in the following table. These requirements shall not apply to any property to which the bulk limitations in Section 270 of this Code are applicable.

TABLE 6
Height Measurement on Lateral Slopes
Where Height Limit is 65 Feet or Less

<u>Average Slope of Curb or Ground From Which Height is Measured</u>	<u>Maximum Width for Portion of Building that May be Measured from a Single Point</u>
5 percent or less	No requirement
More than 5 percent but no more than 15 percent	65 feet
More than 15 percent but no more than 20 percent	55 feet
More than 20 percent but no more than 25 percent	45 feet
More than 25 percent	35 feet



(b) Exemptions. In addition to other height exceptions permitted by this Code, the features listed in this subsection shall be exempt from the height limits established by this Code, in an amount up to but not exceeding that which is specified.

1. The following features shall be exempt; provided the limitations indicated for each are observed; provided further that the sum of the horizontal areas of all features listed in this Paragraph (b)1 shall not exceed 20 percent of the horizontal area of the roof above which they are situated or, in C-3 districts, where the top of the building has been separated into a number of stepped elements to reduce the bulk of the upper tower, of the total of all roof areas of the upper tower; and provided further that in any R district the sum of the horizontal areas of all such features located within the first 10 feet of depth

of the building, as measured from the front wall of the building, shall not exceed 20 percent of the horizontal area of the roof in such first 10 feet of depth.

As an alternative, the sum of the horizontal areas of all features listed in this Paragraph (b)1 may be equal but not exceed 20 percent of the horizontal area permitted for buildings and structures under any bulk limitations in Section 270 of this Code applicable to the subject property.

Any such sum of 20 percent heretofore described may be increased to 30 percent by unroofed screening designed either to obscure the features listed under (A) and (B) below or to provide a more balanced and graceful silhouette for the top of the building or structure.

(A) Mechanical equipment and appurtenances necessary to the operation or maintenance of the building or structure itself, including chimneys, ventilators, plumbing vent stacks, cooling towers, water tanks, panels or devices for the collection of solar or wind energy and window washing equipment, together with visual screening for any such features. This exemption shall be limited to the top 10 feet of such features where the height limit is 65 feet or less, and the top 16 feet of such features where the height limit is more than 65 feet.

(B) Elevator, stair and mechanical penthouses, fire towers, skylights and dormer windows. This exemption shall be limited to the top 10 feet of such features where the height limit is 65 feet or less, and the top 16 feet of such features where the height limit is more than 65 feet.

(C) Stage and scenery lofts.

(D) Ornamental and symbolic features of public and religious buildings and structures, including towers, spires, cupolas, belfries and domes, where such features are not used for human occupancy.

(E) In any C-3 district, enclosed space related to the recreational use of the roof, not to exceed 16 feet in height.

(F) In any C-3 district, additional building volume used to enclose or screen from view the features listed under (b)1(A) and (B) above. The rooftop form created by the added volume shall not be subject to the percentage coverage limitations otherwise applicable to this subsection but shall meet the requirements of Section 141 and shall not exceed twenty feet in height, measured as provided in subsection (a) above, and may not exceed a total volume, including the volume of the features being enclosed, equal to three-fourths of the horizontal area of all upper tower roof areas of the building measured before the addition of any exempt features times twenty.

(G) In any C-3 district, vertical extensions to buildings, such as spires, which enhance the visual appearance of the structure and are not used for human occupancy may be allowed, pursuant to the provisions of Section 309, up to 75 feet above the height otherwise allowed. The extension shall not be subject to the percentage coverage limitations otherwise applicable to this subsection, provided that the extension is less than 100 square feet in cross section and 18 feet in diagonal dimension.

2. The following features shall be exempt, without regard to their horizontal area, provided the limitations indicated for each are observed.

(A) Railings, parapets and catwalks, with a maximum height of four feet.

(B) Open railings, catwalks and fire escapes required by law, wherever situated.

(C) Unroofed recreation facilities with open fencing, including tennis and basketball courts at roof level, swimming pools with a maximum height of four feet and play equipment with a maximum height of 10 feet.

(D) Unenclosed seating areas limited to tables, chairs and benches, and related wind screens, lattices and sunshades with a maximum height of 10 feet.

(E) Landscaping, with a maximum height of four feet for all features other than plant materials.

(F) Short-term parking of passenger automobiles, without additional structures or equipment other than trellises or similar overhead screening for such

automobiles with a maximum height of eight feet.

(G) Amusement parks, carnivals and circuses, where otherwise permitted as temporary uses.

(H) Flag poles and flags, clothes poles and clothes lines, and weather vanes.

(I) Radio and television antenna where permitted as accessory uses and towers and antenna for transmission, reception, or relay of radio, television, or other electronic signals where permitted as principal or conditional uses, subject to the limitations of subsections 227(h) and (i) of this Code and limitations imposed by the City Planning Commission.

(J) Warning and navigation signals and beacons, light standards and similar devices, not including any sign regulated by this Code.

(K) Public monuments owned by government agencies.

(L) Cranes, scaffolding and batch plants erected temporarily at active construction sites.

(M) Structures and equipment necessary for the operation of industrial plants, transportation facilities, public utilities and government installations, where otherwise permitted by this Code and where such structures and equipment do not contain separate floors, not including towers and antennae for transmission, reception, or relay of radio, television, or other electronic signals where permitted as principal or conditional uses by this Code.

(N) Buildings, structures, and equipment of the San Francisco Port Commission, where not subject to this Code due to provisions of the San Francisco Charter or State law.

SEC. 263.8. EXCEPTIONS TO HEIGHT LIMITS IN 80-130F AND 80-130X HEIGHT AND BULK DISTRICTS.

(a) In the 80-130F and 80-130X height and bulk district as designated on Sectional Map No. 1H of the Zoning Map, exceptions to the 80 foot height limit up to 130 feet may be approved in appropriate cases in accordance with the provisions of Section 309. The purpose of allowing additional height above 80 feet only as an exception is to ensure that height above 80 feet will not adversely affect the scale of the affected area or block sunlight access to public sidewalks and parks.

(b) Such height exceptions may be permitted provided that:

1. The height of the building or structure does not exceed 130 feet; and
2. The additional height will not add significant shadows on public sidewalks and parks; and
3. The structure provides an appropriate transition to adjacent higher or lower buildings; and
4. The additional height of the structure is set back an appropriate distance from the street frontage to maintain continuity of the predominant streetwall on the block.

SEC. 263.9. HEIGHT LIMITS: SPECIAL EXCEPTIONS FOR UPPER TOWER EXTENSIONS IN S DISTRICTS.

(a) In S districts, additional height up to 10% of the heights shown on Maps 1H, 2H and 7H of the Zoning Map may be allowed as an extension of the upper tower provided that the volume of the upper tower as extended is reduced by the percentage shown in Chart B of Section 270(c) of this Code.

(b) This additional height may be allowed pursuant to the provisions of Section 309 only to the extent it is determined that the upper tower volume is distributed in a way that will add significantly to the sense of slenderness of the building and to the visual interest to the termination of the building, and that the added height will improve the appearance of the skyline when viewed from a distance, will not adversely affect light and air to adjacent properties, and will not add significant shadows to public open spaces.

SEC. 263.10. SPECIAL EXCEPTIONS: 200-400 S SPECIAL HEIGHT AND BULK DISTRICT. In the 200-400 S special height and bulk district as designated for a portion of Assessors Block 3737 on Sectional Map No. 1H of the Zoning Map, heights up to 400 feet may be approved in the manner provided for exceptions in Section 309 if the open space requirements generated by developments in the special height and bulk district are aggregated to create on Assessors Block 3737 a privately owned and maintained urban park, as provided in Section 138, or another type of open space allowed by Section 138 if the standards for an urban park cannot be met because of shadows cast by buildings on other blocks.

SEC. 270. BULK LIMITS: MEASUREMENT.

(a) The limits upon the bulk of buildings and structures shall be as stated in this section and in Sections 271 and 272. The terms "height", "plan dimensions", "length" and "diagonal dimensions" shall be as defined in this Code. In each height and bulk district, the maximum plan dimensions shall be as specified in the following table, at all horizontal cross-sections above the height indicated.

TABLE 7
Bulk Limits

<u>District Symbol on Zoning Map</u>	<u>Height Above Which Maximum Dimensions Apply (in feet)</u>	<u>Maximum Plan Dimensions (in feet)</u>	
		<u>Length</u>	<u>Diagonal Dimension</u>
A	40	110	125
B	50	110	125
C	80	110	125
D	40	110	140
E	65	110	140
F	80	110	140
G	80	170	200
H	100	170	200
I	150	170	200
J	40	250	300
K	60	250	300
L	80	250	300
M	100	250	300
OS	See Section 290.		
T	at setback height established pursuant to Section 132.2 but no higher than 80 feet.	110	125
S	This table is not applicable. But see Section 270(d).		
X	This table not applicable. But see Section 260(a)3.		

(b) These limits shall not apply to the buildings, structures and equipment listed in Section 260(b)2(K), (L), (M) and (N) of this Code, subject to the limitations expressed therein.

(c) Maximum plan lengths and diagonal dimensions do not apply to cornices or other decorative projections.

(d) The bulk limits contained in this subsection shall apply in S Bulk Districts as designated on Sectional Map Nos. 1H, 2H and 7H of the Zoning Map.

(1) Base. The base is the lowest portion of the building extending vertically to a streetwall height up to 1.25 times the width of the widest abutting street or 50 feet, whichever is more. There are no length or diagonal dimension limitations applicable to the base. The building base shall be delineated from the lower and upper tower and related to abutting buildings by a setback, cornice line or equivalent projection or other

appropriate means.

(2) Lower Tower.

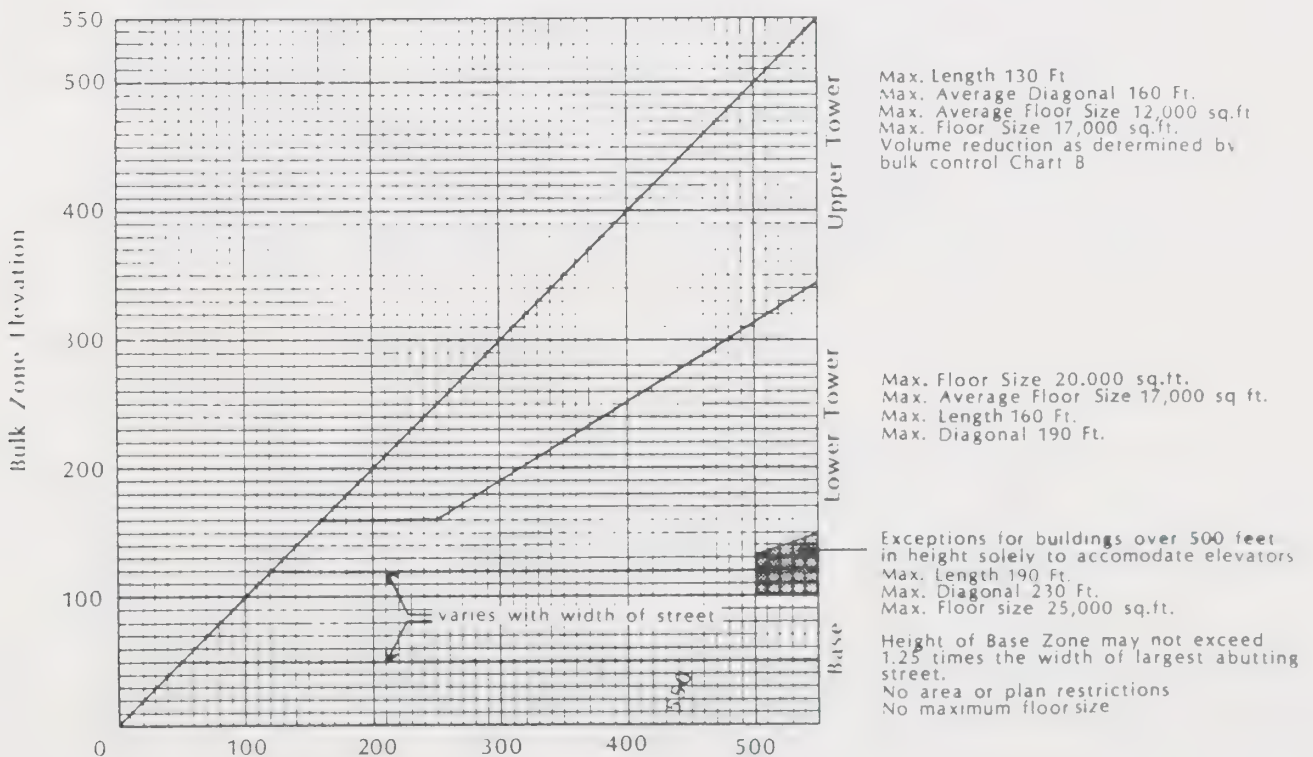
(A) Dimensions. Bulk controls for the lower tower apply to that portion of the building height above the base as shown on Chart B. For buildings of less than 160 feet in height, the lower tower controls are the only bulk controls above the base of the building. The bulk controls for the lower tower are a maximum length of 160 feet, a maximum floor size of 20,000 square feet, and a maximum diagonal dimension of 190 feet.

(B) Additional Bulk for Elevators. Solely in order to accommodate additional elevators required by tall buildings the lower portion (up to the height shown on Chart B) of the lower tower of a building 500 feet tall or taller may be enlarged up to a maximum length of 190 feet, a maximum diagonal dimension of 230 feet and a maximum floor size of up to 25,000 square feet without a corresponding reduction in upper floor size.

(3) Upper Tower

(A) Dimensions. Upper tower bulk controls apply to buildings taller than 160 feet. They apply to the upper tower portion of a building up to the height shown on Chart B which height excludes the vertical attachment and other features exempted by Section 260 and excludes the extended upper tower height exceptions provided for in Section 263.9 of this Code. The bulk controls for the upper tower are: a maximum length of 130 feet; a maximum average floor size of 12,000 square feet; a maximum floor size for any floor of 17,000 square feet; and a maximum average diagonal measure of 160 feet. In determining the average floor size of the upper tower, areas with a cross sectional area of less than 4,000 square feet may not be counted and sculptured architectural forms that contain large volumes of space but no usable floors shall be included in average floor size calculation by computing the cross section at 12.5 foot intervals.

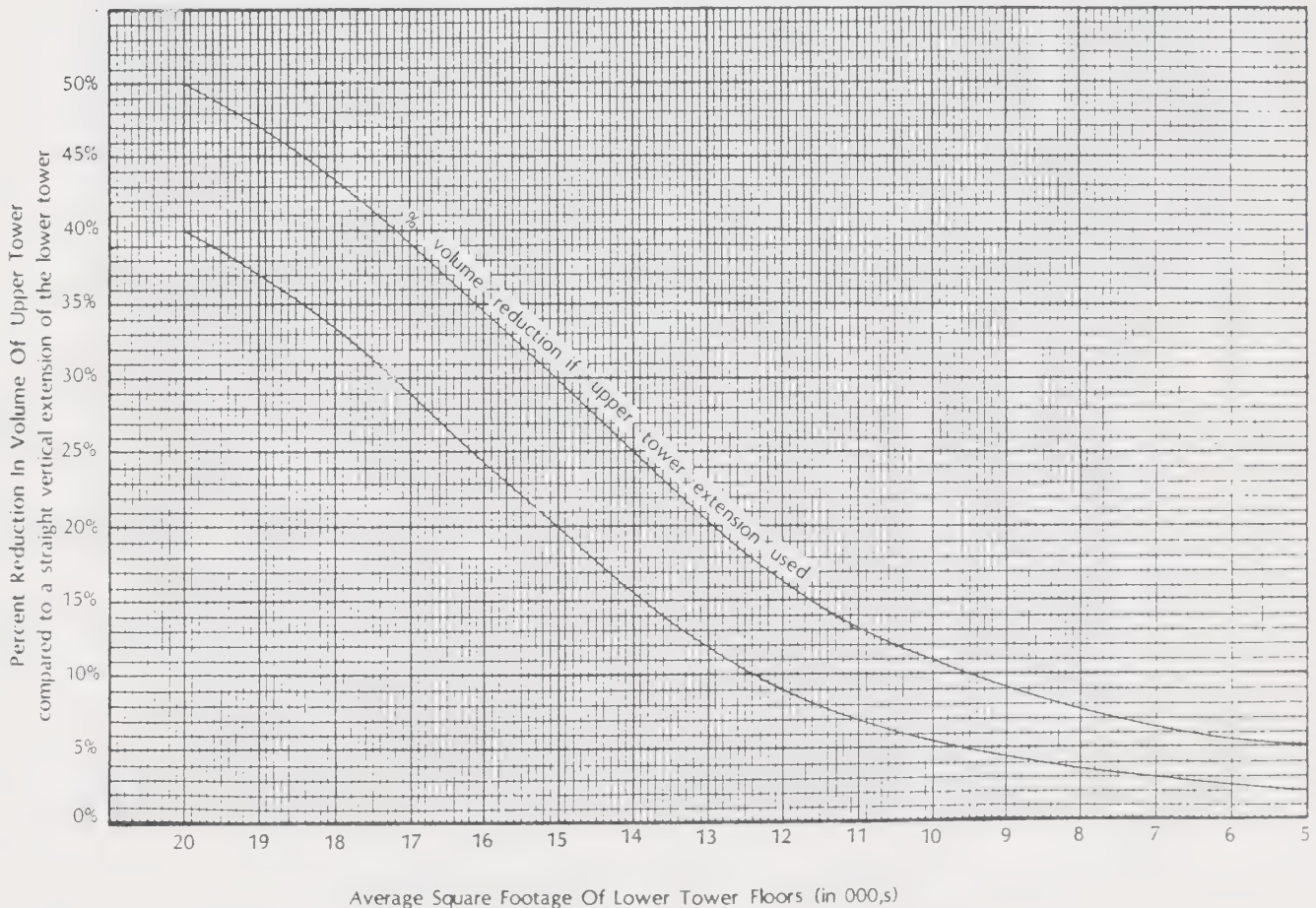
CHART B
BULK LIMITS



Actual Building Height In Feet Excluding
Features Excluded By § 260 (b)

(B) Volume Reduction. When the average floor size of the lower tower exceeds 5,000 square feet, the volume of the upper tower shall be reduced to a percentage of the volume that would occur if the average floor size of the lower tower were extended to the proposed building height. The percentage varies with the bulk of the lower tower and with whether or not a height extension is employed pursuant to Section 263.9 and is shown on Chart C. In achieving the required volume reduction, a setback or change in profile at a specific elevation is not required.

CHART C BULK CONTROL
UPPER TOWER VOLUME REDUCTION



(C) Extensions. Extensions of the Upper Tower above the otherwise allowable height limits may be permitted as provided in Section 263.9.

(D) Termination of the Tower. The top of the tower shall be massed in a manner that will create a visually distinctive roof or other termination of the building facade. Modifications to a proposed project may be required, in the manner provided in Section 309, to achieve this purpose.

SEC. 271. BULK LIMITS: SPECIAL EXCEPTIONS IN DISTRICTS OTHER THAN C-3.

(a) General. The bulk limits prescribed by Section 270 have been carefully considered in relation to objectives and policies for conservation and change in districts other than C-3. There may be some exceptional cases in which these limits may properly be permitted to be exceeded to a certain degree, however, following public review and exploration of alternatives, provided there are adequate compensating factors. Such

deviation might occur, when the criteria of this Section are met, for one or both of the following positive reasons:

1. Achievement of a distinctly better design, in both a public and a private sense, than would be possible with strict adherence to the bulk limits, avoiding an unnecessary prescription of building form while carrying out the intent of the bulk limits and the principles and policies of the Master Plan.

2. Development of a building or structure with widespread public service benefits and significance to the community at large, where compelling functional requirements of the specific building or structure make necessary such a deviation.

(b) Procedures. Deviations from the bulk limits under this section shall be permitted only upon approval by the City Planning Commission according to the procedures for conditional use approval in Section 303 of this Code.

(c) Criteria. In acting upon any application for a conditional use to permit the bulk limits to be exceeded under this section, the City Planning Commission shall consider the following standards and criteria in addition to those stated in Section 303(c) of this Code:

1. The appearance of bulk in the building, structure or development shall be reduced by means of at least one and preferably a combination of the following factors, so as to produce the impression of an aggregate of parts rather than a single building mass:

- (A) Major variations in the planes of wall surfaces, in either depth or direction, that significantly alter the mass;

- (B) Significant differences in the heights of various portions of the building, structure or development that divide the mass into distinct elements;

- (C) Differences in materials, colors or scales of the facades that produce separate major elements;

- (D) Compensation for those portions of the building, structure or development that may exceed the bulk limits by corresponding reduction of other portions below the maximum bulk permitted; and

- (E) In cases where two or more buildings, structures or towers are contained within a single development, a wide separation between such buildings, structures or towers.

2. In every case the building, structure or development shall be made compatible with the character and development of the surrounding area by means of all of the following factors:

- (A) A silhouette harmonious with natural land forms and building patterns, including the patterns produced by height limits;

- (B) Either maintenance of an overall height similar to that of surrounding development or a sensitive transition, where appropriate, to development of a dissimilar character;

- (C) Use of materials, colors and scales either similar to or harmonizing with those of nearby development; and

- (D) Preservation or enhancement of the pedestrian environment by maintenance of pleasant scale and visual interest.

3. While the above factors must be present to a considerable degree for any bulk limit to be exceeded, these factors must be present to a greater degree where both the maximum length and the maximum diagonal dimension are to be exceeded than where only one maximum dimension is to be exceeded.

SEC. 272. BULK LIMITS: SPECIAL EXCEPTIONS IN C-3 DISTRICTS.

(a) General. The bulk limits prescribed by Section 270 have been carefully considered in relation to objectives and policies for conservation and change in C-3 districts. However, there may be some exceptional cases in which these limits may properly be permitted to be exceeded to a certain degree, provided, however, that there are adequate compensating factors. Exceptions to the bulk limits may be approved in the manner provided in Section 309, provided that at least one of the following criteria is met:

1. Achievement of a distinctly better design, in both a public and a private

sense, than would be possible with strict adherence to the bulk limits, avoiding an unnecessary prescription of building form while carrying out the intent of the bulk limits and the principles and policies of the Master Plan;

2. Development of a building or structure with widespread public service benefits and significance to the community at large, where compelling functional requirements of the specific building or structure make necessary such a deviation; and provided further that all of the following criteria are met:

(A). The added bulk does not contribute significantly to shading of publicly accessible open space.

(B). The added bulk does not increase ground level wind currents in violation of the provisions of Section 148 of this Code.

3. The added bulk does not significantly affect light and air to adjacent buildings.

4. If appropriate to the massing of the building, the appearance of bulk in the building, structure or development is reduced to the extent feasible by means of at least one and preferably a combination of the following factors, so as to produce the impression of an aggregate of parts rather than a single building mass:

(A) Major variations in the planes of wall surfaces, in either depth or direction, that significantly alter the mass;

(B) Significant differences in the heights of various portions of the building, structure or development that divide the mass into distinct elements;

(C) Differences in materials, colors or scales of the facades that produce separate major elements;

(D) Compensation for those portions of the building, structure or development that may exceed the bulk limits by corresponding reduction of other portions below the maximum bulk permitted; and

(E) In cases where two or more buildings, structures or towers are contained within a single development, a wide separation between such buildings, structures or towers.

5. The building, structure or development is made compatible with the character and development of the surrounding area by means of all of the following factors:

(A) A silhouette harmonious with natural land forms and building patterns, including the patterns produced by height limits;

(B) Either maintenance of an overall height similar to that of surrounding development or a sensitive transition, where appropriate, to development of a dissimilar character;

(C) Use of materials, colors and scales either similar to or harmonizing with those of nearby development; and

(D) Preservation or enhancement of the pedestrian environment by maintenance of pleasant scale and visual interest.

Exceptions to bulk limits shall not result in a building of greater total gross floor area than would be permitted if the bulk limits were met.

SEC. 304. PLANNED UNIT DEVELOPMENTS. In districts other than C-3, the City Planning Commission may authorize as conditional uses, in accordance with the provisions of Section 303, Planned Unit Developments subject to the further requirements and procedures of this section. After review of any proposed development, the City Planning Commission may authorize such development as submitted or may modify, alter, adjust or amend the plan before authorization, and in authorizing it may prescribe other conditions as provided in Section 303(d). The development as authorized shall be subject to all conditions so imposed and shall be excepted from other provisions of this Code only to the extent specified in the authorization.

(a) Objectives. The procedures for Planned Unit Developments are intended for projects on sites of considerable size, developed as integrated units and designed to produce an environment of stable and desirable character which will benefit the occupants, the neighborhood and the city as a whole. In cases of outstanding over-all

design, complementary to the design and values of the surrounding area, such a project may merit a well reasoned modification of certain of the provisions contained elsewhere in this Code.

(b) Nature of site. The tract or parcel of land involved must be either in one ownership, or the subject of an application filed jointly by the owners of all the property included or by the Redevelopment Agency of the City. It must constitute all or part of a Redevelopment Project Area, or if not must include an area of not less than 1/2 acre, exclusive of streets, alleys and other public property that will remain undeveloped.

(c) Application and plans. The application must describe the proposed development in detail, and must be accompanied by an over-all development plan showing, among other things, the use or uses, dimensions and locations of structures, parking spaces, and areas, if any, to be reserved for streets, open spaces and other public purposes. The application must include such pertinent information as may be necessary to a determination that the objectives of this section are met, and that the proposed development warrants the modification of provisions otherwise applicable under this Code.

(d) Criteria and limitations. The proposed development must meet the criteria applicable to conditional uses as stated in Section 303(c) and elsewhere in this Code. In addition, it shall:

1. Affirmatively promote applicable objectives and policies of the Master Plan;
2. Provide off-street parking adequate for the occupancy proposed;
3. Provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open spaces required by this Code;
4. Be limited in dwelling unit density to less than the density that would be allowed by Article 2 of this Code for a district permitting a greater density, so that the Planned Unit Development will not be substantially equivalent to a reclassification of property;
5. In R districts, include commercial uses only to the extent that such uses are necessary to serve residents of the immediate vicinity, subject to the limitations for RC districts under this Code; and
6. Under no circumstances be excepted from any height limit established by Article 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code. In the absence of such an explicit authorization, exceptions from the provisions of this Code with respect to height shall be confined to minor deviations from the provisions for measurement of height in Sections 260 and 261 of this Code, and no such deviation shall depart from the purposes or intent of those sections.

SEC. 309. PERMIT REVIEW IN C-3 DISTRICTS

The provisions and procedures set forth in this section shall govern the review of project authorization and building and site permit applications for the construction or substantial alteration of structures in C-3 districts, the granting of exceptions to certain requirements of this Code where the provisions of this Section are invoked, and the approval of open space provided in compliance with Section 138. The categories of alterations deemed to be substantial shall be established by the City Planning Commission after a public hearing. When any action authorized by this Section is taken, any determination with respect to the proposed project required or authorized pursuant to CEQA may also be considered. This section shall not require additional review in connection with a site or building permit application if review hereunder was completed with respect to the same proposed structure or alteration in connection with a project authorization application pursuant to Section 322.

(a) Exceptions. Exceptions to the following provisions of this Code may be granted as provided in the code sections referred to below:

1. Exceptions to the setback and rear yard requirements as permitted in Sections 132.1 and 134(d).
2. Exceptions to the ground level wind current requirements as permitted in Section 148.

3. Exceptions to the sunlight to public sidewalk requirement as permitted in Section 146.

4. Exceptions to the requirement of independently accessible parking spaces as permitted in Section 155(c).

5. Exceptions to the freight loading and service vehicle space requirements as permitted in Section 161(h).

6. Exceptions to the off-street tour bus loading space requirements as permitted in Section 162.

7. Exceptions to the height limits for vertical extensions as permitted in Section 260(b)(1)(G) and for upper tower extensions as permitted in Section 263.7.

8. Exceptions to the height limits in the 80-130F and 80-130X height and bulk districts as permitted in Section 263.6 and in the 200-400S height and bulk district as permitted in Section 263.8.

9. Exceptions to the bulk requirements as permitted in Sections 270 and 272.

A project applicant seeking an exception shall file an application on a form provided by the Zoning Administrator.

(b) Additional Requirements. In addition to the requirements set forth in this Code, additional requirements and limitations (hereafter referred to as modifications) may be imposed on the following aspects of a proposed project, through the imposition of conditions, in order to achieve the objectives and policies of the Master Plan or the purposes of this Code:

1. Building siting, orientation, massing and facade treatment, including proportion, scale, setbacks, materials, cornice, parapet and fenestration treatment, and design of building tops.

2. Aspects of the project affecting views and view corridors, shadowing of sidewalks and open spaces, openness of the street to the sky, ground level wind current, and maintenance of predominant streetwalls in the immediate vicinity.

3. Aspects of the project affecting parking, traffic circulation and transit operation and loading points.

4. Aspects of the project affecting its energy consumption.

5. Aspects of the project related to pedestrian activity, such as placement of entrances, street scale, visual richness, location of retail uses, and pedestrian circulation, and location and design of open space features.

6. Aspects of the project affecting public spaces adjacent to the project, such as the location and type of street trees and landscaping, sidewalk paving material, and the design and location of street furniture.

7. Aspects of the project relating to quality of the living environment of residential units, including housing unit size and the provisions of open space for residents.

8. Aspects of the design of the project which have significant adverse environmental consequences.

9. Aspects of the project that affect its compliance with the provisions of Sections 1109(c), 1111.2(c), 1111.6(c), and 1113 regarding new construction and alterations in conservation districts.

10. Other aspects of the project for which modifications are justified because of its unique or unusual location, environment, topography or other circumstances.

(c) Notice of Application for Building or Site Permit. After receipt of an application for a project authorization or building or site permit for new construction or substantial alteration of a structure in a C-3 district, the Zoning Administrator shall mail notice of the application to all owners of property immediately adjacent to the property that is the subject of the application, using for this purpose the names and addresses as shown on the citywide Assessment Roll in the Assessor's Office, and, in addition, shall publish notice at least once in an official newspaper of general circulation.

(d) Notice of Proposed Approval. If, after a review of a project authorization or permit application, the Zoning Administrator determines that an application complies with the provisions of this Code and that no exception is sought as provided in subsection

(a), and the Director of Planning determines that no additional modifications are warranted as provided in subsection (b), and that the open space requirements of Section 138 have been complied with, the Zoning Administrator shall provide notice of the proposed approval of the application in the manner set forth in subsection (c) and, in addition, to any person who has requested such notice in writing. If no request for City Planning Commission review pursuant to subsection (g) is made within 10 days of such notice, the Zoning Administrator shall approve the application.

(e) Hearing and Determination of Applications for Exceptions.

1. Hearing. The City Planning Commission shall hold a public hearing on an application for an exception as provided in subsection (a).

2. Notice of Hearing. Notice of such hearing shall be mailed not less than 10 days prior to the date of the hearing to the project applicant, to property owners within 300 feet of the project that is the subject of the application using for this purpose the names and addresses as shown on the citywide Assessment Roll in the Assessor's Office, and to any person who has requested such notice. The notice shall state that the written recommendation of the Director of Planning regarding the request for an exception is available for public review at the office of the Department of City Planning.

3. Decision and Appeal. The Commission may, after public hearing and after making appropriate findings, approve, disapprove or approve subject to conditions, the application for an exception. The decision of the City Planning Commission may be appealed to the Board of Permit Appeals by any person aggrieved within 10 days after the date of the decision by filing a written notice of appeal with that Body, setting forth wherein it is alleged that there was an error in the interpretation of the provisions of this Code or abuse of discretion on the part of the City Planning Commission.

4. Decision on Appeal. Upon the hearing of an appeal, the Board of Permit Appeals may, subject to the same limitations as are placed on the City Planning Commission by Charter or by this Code, approve, disapprove or modify the decision appealed from. If the determination of the Board differs from that of the Commission, it shall, in a written decision, specify the error in interpretation or abuse of discretion on the part of the Commission and shall specify in the findings, as part of the written decision, the facts relied upon in arriving at its determination.

(f) Director's Recommendations.

1. Recommendations. If the Director of Planning determines that modifications through the imposition of conditions are warranted as provided in subsection (b), or that the open space requirements of Section 138 have not been complied with, the matter shall be scheduled for hearing before the City Planning Commission; provided, however, that if the Director determines that Section 138 has been complied with and the applicant does not oppose the imposition of conditions which the Director has determined are warranted, the applicant may waive the right to a hearing before the Commission in writing and agree to the conditions, in which case the Zoning Administrator shall provide notice of such fact according to the notice given for applications governed by subsection (d), so that any person seeking additional modifications or objecting to the Section 138 determination may make such a request as provided in subsection (g). If no request is made within 10 days of such notice, the Zoning Administrator shall approve the application subject to the conditions.

2. Notice. Notice of any meeting of the City Planning Commission pursuant to this subsection shall be mailed to the project applicant, to property owners immediately adjacent to the site of the application using for this purpose the names and addresses as shown on the citywide Assessment Roll in the Assessor's Office, and to any person who has requested such notice. The notice shall state that the Director's written recommendation is available for public review at the Department of City Planning.

3. Commission Action. The City Planning Commission may, after public hearing and after making appropriate findings, approve, disapprove or approve subject to conditions applications considered pursuant to subsection (b) or for compliance with Section 138.

(g) City Planning Commission Review Upon Request.

1. Requests. Within 10 days after notice of the proposed approval has been given, as provided in subsection (d), any person may request in writing that the City Planning Commission impose additional modifications on the project as provided in subsection (b) or consider the application for compliance with Section 138. Said written request shall state why additional modifications should be imposed notwithstanding its compliance with the requirements of this Code and shall identify the policies or objectives that would be promoted by the imposition of conditions or shall state why Section 138 has not been complied with.

2. Commission Consideration. The City Planning Commission shall consider at a public meeting each written request for additional modifications and for consideration of Section 138 compliance and may, by majority vote, direct that a hearing be conducted to consider such modifications or compliance, which hearing may be conducted at the same meeting that the written request is considered and decided. Notice of such meeting shall be mailed to the project applicant, to property owners immediately adjacent to the site of the application using for this purpose the names and addresses as shown on the citywide Assessment Roll in the Assessor's Office, to any person who has requested such notice, and to any person who has submitted a request for additional requirements. In determining whether to conduct such a hearing, the Commission shall determine whether, based upon a review of the project, reasonable grounds exist justifying a public hearing in order to consider the proposed additional modifications or Section 138 compliance.

3. Commission Action. If the Commission determines to conduct a hearing to consider the imposition of additional modifications or Section 138 compliance, it may, after such hearing and after making appropriate findings, approve, disapprove, or approve subject to conditions the building or site permit or project authorization application. If the Commission determines not to conduct a hearing, the Zoning Administrator shall approve the application subject to any conditions imposed by the Director of Planning to which the applicant has consented.

(h) Hearings on Projects over 50,000 Square Feet of Gross Floor Area. The City Planning Commission shall hold a public hearing not otherwise required by this section on all building and site permit and project authorization applications for projects which will result in a net addition of more than 50,000 square feet of gross floor area of space. Notice of such hearing shall be mailed not less than 10 days prior to the date of the hearing to the project applicant, to property owners immediately adjacent to the site of the application using for this purpose the names and addresses as shown on the citywide Assessment Roll in the Assessor's Office, and to any person who has requested such notice.

(i) Imposition of Conditions, General. If pursuant to the provisions of this section, the City Planning Commission determines that conditions should be imposed on the approval of a building or site permit application, project authorization application or an application for exceptions and the applicant agrees to comply, the Commission may approve the application subject to those conditions, and if the applicant refuses to so agree, the Commission may disapprove the application.

(j) Change of Conditions. Authorization of a change in any condition previously imposed pursuant to this Section shall require an application for a change in conditions, which application shall be subject to the procedures set forth in this Section.

SEC. 315. CHILD CARE REQUIREMENTS FOR OFFICE DEVELOPMENT PROJECTS.

(a) Definitions. The following definitions shall govern interpretation of this Section:

1. "Child care facility" shall mean a child day care facility as defined in California Health & Safety Code Section 1596.750.

2. "Director" shall mean the Director of City Planning or his or her designee, including other City agencies or departments.

3. "First certificate of occupancy" shall mean either a temporary certificate of occupancy or a Certificate of Final Completion and Occupancy as defined in San Francisco Building Code Section 307, whichever is issued first.

4. "Household of low income" shall mean a household composed of one or more persons with a combined annual net income for all adult members which does not exceed the qualifying limit for a lower income family of a size equivalent to the number of persons residing in such household, as set forth for the County of San Francisco in California Administrative Code Section 6932.

5. "Household of moderate income" shall mean a household composed of one or more persons with a combined annual net income for all adult members which does not exceed the qualifying limit for a median income family of a size equivalent to the number of persons residing in such household, as set forth for the County of San Francisco in California Administrative Code Section 6932.

6. "Net addition of gross square feet of office space" shall mean gross floor area as defined in Planning Code Section 102.8 to be occupied by, or primarily serving, office use, less the gross floor area in any structure demolished or rehabilitated as part of the proposed office development project space used primarily and continuously for office use and not accessory to any use other than office use for five (5) years prior to Planning Commission approval of the office development project subject to this Section, or for the life of the structure demolished or rehabilitated, whichever is shorter.

7. "Office development project" shall mean any new construction, addition, extension, conversion, or enlargement, or combination thereof, of an existing structure which includes any gross square feet of office space.

8. "Office use" shall mean space within a structure or portion thereof intended or primarily suitable for occupancy by persons or entities which perform, provide for their own benefit, or provide to others at that location services including, but not limited to, the following: professional, banking, insurance, management, consulting, technical, sales, and design or the office functions of manufacturing and warehousing businesses, but excluding retail uses; repair; any business characterized by the physical transfer of tangible goods to customers on the premises; wholesale shipping, receiving, and storage; design showcases or any other space intended and primarily suitable for display of goods; and child care facilities. This definition shall include all uses encompassed within the meaning of Planning Code Section 219.

9. "Retail use" shall mean space within any structure or portion thereof intended or primarily suitable for occupancy by persons or entities which supply commodities to customers on the premises including, but not limited to, stores, shops, restaurants, bars, eating and drinking businesses, and the uses defined in Planning Code Sections 218 and 220-225, and also including all space accessory to such retail use.

10. "Sponsor" shall mean an applicant seeking approval for construction of an office development project subject to this Section and such applicants' successors and assigns.

11. "Superintendent" shall mean the Superintendent, Bureau of Building Inspection.

(b) Findings. The Board hereby finds and declares as follows:

Large scale office developments in the City and County of San Francisco (hereinafter "City") have attracted and continue to attract additional employees to the City, and there is a causal connection between such developments and the need for additional child care facilities in the City, particularly child care facilities affordable to households of low and moderate income.

Office uses in the City are benefited by the availability of child care for persons employed in such offices close to their place of employment. However, the supply of child care in the City has not kept pace with the demand for child care created by these new employees. Due to this shortage of child care, employers will have difficulty in securing a labor force, and employees unable to find accessible and affordable quality child care will be forced either to work where such services are available outside of San Francisco, or leave the work force entirely, in some cases seeking public assistance to support their children. In either case, there will be a detrimental effect on San Francisco's economy and its quality of life.

Projections from the EIR for the Downtown Plan indicate that between 1984 and 2000 there will be a significant increase in the number of jobs in the C-3 District under the Downtown Plan. Most of that employment growth will occur in office work. Clerical and administrative office work is done primarily by women. Additionally, the study projects that the greatest percentage increase in jobs will occur in hotel work, which also consists of a predominantly female work force.

According to the survey conducted of C-3 District workers in 1981, 65% of the workforce is between the ages of 25-44. These are the prime child-bearing years for women, and the prime fathering years for men. The survey also indicated that only 12% of the C-3 District jobs were part-time, leaving up to 88% of the positions occupied by full-time workers. All of these factors point to the inevitable increase in the number of working parents in the C-3 District and the concomitant increase in need for accessible quality child care.

Presently, there exists a scarcity of child care in the C-3 District and city-wide for all income groups, but the scarcity is more acutely felt by households of low and moderate income. Hearings held on April 25, 1985 before the Human Services Committee of the San Francisco Board of Supervisors documented the scarcity of child care available in the C-3 District, the impediments to child care program start-up and expansion, the increase in the numbers of children needing care, and the acute shortage of supply throughout the Bay Area. The Board of Supervisors also takes legislative notice of the existing and projected shortage of child care services in the City as documented by the Child Care Information Kit prepared by the California Child Care Resource(s) and Referral Network located in San Francisco.

The scarcity of child care in the City is due in great part to large office development which has attracted and will continue to attract additional employees and residents to the City. Some of the employees attracted to large office developments are competing with present residents for the few openings in child care programs available in the City. Competition for child care generates the greatest pressure on households of low and moderate income. At the same time that large office development is generating an increased demand for child care, it is improbable that factors inhibiting increased supply of child care will be mitigated by the marketplace; hence, the supply of child care will become increasingly scarce.

The Master Plan encourages "continued growth of prime downtown office activities so long as undesirable consequences of such growth can be avoided" and requires that there be the provision of "adequate amenities for those who live, work and use downtown." In light of these provisions, the City should impose requirements on developers of office projects designed to mitigate the adverse effects of the expanded employment facilitated by such projects. To that end, the City Planning Commission is authorized to promote affirmatively the policies of the San Francisco Master Plan through the imposition of special child care development or assessment requirements. It is desirable to impose the costs of the increased burden of providing child care necessitated by such office development projects directly upon the sponsors of new development generating the need. This is to be done through a requirement that the sponsor construct child care facilities or pay a fee into a fund used to foster the expansion of and to ease access to affordable child care as a condition of the privilege of development.

(c) Application.

1. This Section shall apply to office development projects proposing the net addition of 50,000 or more gross square feet of office space in the C-3 District as it existed on March 1, 1985.

2. This Section shall not apply to:

(A) Any office development project not located in the C-3 District as it existed on March 1, 1985;

(B) Any development project other than an office development project, including that portion of an office development project consisting of a retail use;

(C) That portion of an office development project located on property

owned by the United States or any of its agencies;

(D) That portion of an office development project located on property owned by the State of California or any of its agencies, with the exception of such property not used exclusively for a governmental purpose;

(E) That portion of an office development project located on property under the jurisdiction of the the Port of San Francisco or the San Francisco Redevelopment Agency where the application of this Section is prohibited by State or local law; and

(F) Any office development project approved by the Planning Commission prior to the effective date of this Section.

(d) Imposition of Child Care Requirement.

1. The City Planning Commission shall impose conditions on the approval of applications for office development projects covered by this Section in order to mitigate the impact on the availability of child care facilities which will be caused by the employees attracted to the proposed office development project. The conditions shall require that the sponsor construct child care facilities on the site of the office development project or pay an in lieu fee to the City Controller which shall thereafter be used exclusively to foster the expansion of and ease access to child care facilities affordable to households of low or moderate income. The net addition of gross square feet of office space which the City anticipates is subject to this Section shall be set forth in any public notice and/or calendar item announcement of any Planning Commission hearing to review an office development project subject to this Section.

2. If the sponsor of an office development project subject to this Section elects to provide a child care facility on the premises of the office development project to meet the requirements of this Section, the space for the child care facility shall:

(A) Be provided to a non-profit child care provider without charge for rent, utilities, property taxes, building services, or any other charges of any nature;

(B) Comply with all applicable local and State laws;

(C) Have a minimum gross floor area of 3,000 square feet or an area determined according to the following formula, whichever is greater:

$$\text{Net addition gross sq. ft. off. space} \times .01 = \text{Sq. Ft. of Child Care Facility.}$$

(D) Be provided for the life of the office development project or as long as there is a demonstrated need. No decrease in area of the space to be dedicated to child care use under this Section shall be permitted without a finding by the City Planning Commission, after application by the sponsor or the sponsor's successor and a public hearing, that the sponsor has demonstrated that there is a lack of need for child care at such office development project.

3. If the sponsor of an office development project subject to this Section elects to pay a fee in lieu of providing an on-site child care facility, the fee shall be computed as follows:

$$\text{Net addition gross sq. ft. off. space} \times \$1.00 = \text{Total Fee}$$

Upon payment of the fee in full to the Controller and upon request of the sponsor, the Controller shall issue a certification that the fee has been paid. The sponsor shall present such certification to the Director prior to the issuance by the Superintendent of the first certificate of occupancy for the office development project. The Superintendent shall provide notice in writing to the Director at least five (5) business days prior to issuing the first certificate of occupancy for any office development project subject to this Section. If the Director notifies the Superintendent within such time that the sponsor has not complied with the provisions of this Section, the Superintendent shall deny any and all certificates of occupancy. If the Director notifies the Superintendent that the sponsor has complied with this Section or fails to respond within five (5) business days, a certificate of occupancy shall not be disapproved pursuant to this Section. Any failure of the Superintendent or the Director to give any notice under this Subsection shall not relieve a sponsor from compliance with this Section.

4. The sponsor of an office development project subject to this Section may

elect to satisfy its child care requirement by combining construction of a child care facility on the premises of the office development project with payment of an in lieu fee to the Affordable Child Care Fund. The child care facility to be constructed under this election shall be subject to all of the requirements of Parts (2)(A), (B), and (D) of this Subsection, and shall have a minimum area of 3,000 gross square feet. The in lieu fee to be paid under this election shall be subject to all of the requirements of Part (3) of this Subsection and shall be determined by the Planning Commission according to the following formula:

[Net add. of gross sq. ft. off. space - (gross sq. ft. of child care facility X 100)] X \$1.00 = Total Fee

5. The final net addition of gross square feet of office space subject to this Section shall be determined by the Planning Commission and a child care requirement imposed according to the above formulae and shall be set forth in the Planning Commission resolution approving the office development project. Where the sponsor elects to pay an in lieu fee, the Director shall notify the Superintendent that the office development project is subject to this Section at the time the Planning Commission approves the office development project.

6. In the event that the the Planning Commission takes action affecting any office development project subject to this Section and such action is thereafter modified, superseded, vacated, or reversed by the Board of Permit Appeals, the Board of Supervisors, or by court action, the permit application for such office development project shall be remanded to the Planning Commission for a hearing within 60 days of the date on which such action is final to determine whether the proposed project has been changed in a manner which affects the area of the child care facility or the amount of the in lieu fee to be provided under this Section and, if so, the Planning Commission shall revise the child care requirement imposed on the permit application in compliance with this Section.

7. The sponsor shall supply all information to the Planning Commission necessary to make a determination as to the applicability of this Section and the number of gross square feet of office space subject to this Section.

8. Within three (3) months of the effective date of this Section, the City Planning Commission shall, after public notice and a hearing pursuant to Charter Section 3.500, adopt rules and regulations by which compliance with this Subsection shall be determined.

(e) Affordable Child Care Fund. There is hereby established a separate fund set aside for a special purpose called the Affordable Child Care Fund ("Fund"). All monies contributed pursuant to the provisions of this Section shall be deposited in the Fund. All monies deposited in the Fund shall be used solely to increase the supply of child care facilities affordable to households of low and moderate income. The Fund shall be administered by the Director, who shall adopt rules and regulations governing the disposition of the Fund which are consistent with this Section. Within six (6) months after the effective date of this Section, the Director shall publish in an official newspaper of general circulation in San Francisco proposed rules and regulations and notice of a public hearing on such rules and regulations. The public hearing shall be held within 30 days, but not less than 10 days, from such notice. At the public hearing, the Director shall adopt final rules and regulations and submit the same to the Board of Supervisors forthwith. The Board of Supervisors shall hold a public hearing on the Director's final rules and regulations within 45 days of receipt from the Director, at which time the Board may amend such rules and regulations or adopt them in their entirety. Any further amendments to such rules and regulations shall be initiated by the Director and shall be adopted in accordance with the above procedure.

(f) Partial Invalidity and Severability. If any provision of this Section, or its application to any office development project or to any geographical area of the City, is held invalid, the remainder of the Section, or the application of such provision to other office development projects or to any other geographical areas of the City, shall not be

affected thereby.

(g) Annual Evaluation. Commencing one year after the effective date of this Section and each year thereafter, the Director shall report to the Planning Commission at a public hearing and to the Planning, Housing & Development Committee of the Board of Supervisors at a separate public hearing on the status of compliance with this Section and the efficacy of this Section in mitigating the City's shortage of child care facilities available to employees working in office development projects subject to this Section. Five years after the effective date of this Section, the Planning Commission shall review the formulae set forth in Subsection (d). In such report, the Director shall recommend any changes in the formulae.

(h) Decrease in Child Care Formulae After Study. If the Planning Commission determines after review of an empirical study that the formulae set forth in Subsection (d) impose a greater requirement for child care facilities than is necessary to provide child care for the number of employees attracted to office development projects subject to this Section, the Planning Commission shall refund that portion of any fee paid or permit a reduction of the space in the office development project dedicated for child care by a sponsor consistent with the conclusions of such study. The Planning Commission shall adjust any sponsor's requirement and the formulae set forth in Subsection (d) so that the amount of the exaction is set at the level necessary to provide child care for the number of employees attracted to office development projects subject to this Section.

SEC. 320. OFFICE DEVELOPMENT: DEFINITIONS.

When used in sections 320, 321, 322 and 323, the following terms shall each have the meaning indicated.

(a) "Additional office space" shall mean the number of square feet of gross floor area of office space created by an office development, reduced, in the case of a modification or conversion, by the number of square feet of gross floor area of pre-existing office space which is lost.

(b) "Approval period" shall mean the thirty-six- (36-) month period beginning on the effective date of this section.

(c) "Approve" shall mean to approve issuance of a project authorization and shall include actions of the City Planning Commission, Board of Permit Appeals and Board of Supervisors.

(d) "Completion" shall mean the first issuance of a temporary certificate of occupancy or a Certificate of Final Completion and Occupancy as defined in San Francisco Building Code Section 307.

(e) "Disapprove" shall mean for an appellate administrative agency or court, on review of an office development, to direct that construction shall not proceed, in whole or in part.

(f) "Office space" shall mean space within a structure intended or primarily suitable for occupancy by persons or entities which perform for their own benefit or provide to others services at that location, including but not limited to professional, banking, insurance, management, consulting, technical, sales and design, or the office functions of manufacturing and warehousing businesses, but shall exclude the following: retail use; repair; any business characterized by the physical transfer of tangible goods to customers on the premises; wholesale shipping, receiving and storage; any facility, other than physicians' or other individuals' offices and uses accessory thereto, customarily used for furnishing medical services and design showcases or any other space intended and primarily suitable for display of goods. This definition shall include all uses encompassed within Section 219 of this Code.

(g) "Office development" shall mean construction, modification or conversion of any structure or structures or portion of any structures or structures, with the effect of creating additional office space, excepting only:

1. Development which will result in less than 50,000 square feet of additional office space, exclusive of additional office space which is allowed solely by virtue of the

use of TDR.

2. Development either: (i) authorized under San Francisco Redevelopment Agency disposition or owner participation agreements which have been approved by Agency resolution prior to the effective date of this Section, or (ii) authorized prior to the effective date of this Section by Agency resolution in anticipation of such agreements with particular developers identified in the same or a subsequent agency resolution.

3. Any development which is governed by prior law under Section 175.1(b) of this Code, unless modified after the effective date specified in Section 175.1(b) to add more than 15,000 square feet of additional office space. Any addition of office space up to 15,000 square feet shall count against the maximum for the approval period, pursuant to Section 321(a)(2)(B).

4. Any development including conversion of 50,000 square feet or more of manufacturing space to office space where the manufacturing uses previously located in such space are relocated to another site within the City and County of San Francisco and the acquisition or renovation of the new manufacturing site is funded in whole or part by an Urban Development Action Grant approved by the Board of Supervisors.

5. Any development providing a total of five hundred (500) or more additional units of housing, and subject to a development agreement as authorized under California Government Code Section 65865 or any successor section or to a Planned Unit Development approval as authorized under City Planning Code Section 304, provided such development is not situated in any C-3 district.

6. Any mixed residential-commercial development which will be assisted by Community Development Block Grant funds approved by the Board of Supervisors in which all of the housing units shall be affordable to low-income households for a minimum of 40 years and for which an environmental review application and site permit application have been filed prior to the effective date of the ordinance which enacted the provisions of this section.

(h) "Project authorization" shall mean the authorization issued by the Department of City Planning pursuant to Sections 321 and 322 of this Code.

(i) "Replacement office space" shall mean, with respect to a development exempted by subsection (g)(6) of this section, that portion of the additional office space which does not represent a net addition to the amount of office space used by the occupant's employees in San Francisco.

(j) "Retail use" shall mean supply of commodities on the premises including, but not limited to, stores, shops, restaurants, bars, eating and drinking businesses, and the uses defined in Planning Code Sections 218 and 220-225.

SEC. 321. OFFICE DEVELOPMENT: LIMITS.

(a) Limit.

1. No office development may be approved during the approval period if the additional office space in that office development, when added to the additional office space in all other office developments previously approved during the approval period and the additional office space described in subsection (a)(2) below, would produce a total sum of additional office space exceeding 2.85 million square feet.

2. The following amounts of additional office space shall count against the maximum set in subsection (a)(1):

(A) All additional office space in structures for which the first building or site permit is approved for issuance during the approval period and which will be located on land under the jurisdiction of the San Francisco Port Commission or under the jurisdiction of the San Francisco Redevelopment Agency, provided, however, that no account shall be taken of structures which are exempt under Section 320(g)(2).

(B) The amount of added additional office space approved after the effective date of this ordinance in structures which are exempt under Section 320(g)(3).

(C) All additional office space in structures owned or otherwise under the jurisdiction of the State of California, the federal government or any state, federal or

regional government agency, which structures are found to be otherwise exempt from this Section 321 or Section 322 by force of other applicable law.

(D) All additional office space in structures exempt under Section 320(g)(4) or 320(g)(6) or the last sentence of Section 175.1(b), or which satisfy the substantive terms of said exemptions but for which the first building or site permit is authorized or conditional use or variance approved by the City Planning Commission after June 15, 1985 but before the effective date of this ordinance.

The additional office space described in subsections (a)(2)(B) and (a)(2)(D) shall be taken into account with respect to all proposed office developments which are considered during the approval period and after the project or the added additional office space is first authorized or a conditional use or variance approved by the City Planning Commission. The additional office space described in subsection (a)(2)(C) shall be taken into account with respect to all proposed office developments which are considered during the approval period and after commencement of construction of the described structures. Modification, appeal or disapproval of a project described in this section shall affect the amount of office space counted under this section in the time and manner set forth for office developments in Section 321(e).

3. The Department of City Planning shall maintain and shall make available for reasonable public inspection a list showing: (A) all office developments and all projects subject to Section 321(a)(2) for which application has been made for a project authorization or building or site permit and, if applicable, the date(s) of approval and of approval for issuance of any building or site permit; (B) the total amount of additional office space and, if applicable, replacement office space, approved with respect to each listed development; (C) approved office developments (i) which are subsequently disapproved on appeal; (ii) the permit for which expires or is cancelled or revoked pursuant to subsection (d)(1) of this section; or (iii) the approval of which is revoked pursuant to subsection (d)(2) of this section; and (D) such other information as the Department may determine is appropriate.

4. Not less than six (6) months before the last date of the approval period, the Department of City Planning shall submit to the Board of Supervisors a written report, which report shall contain the City Planning Commission's recommendation with respect to whether, based on the effects of the limitation imposed by this section on economic growth and job opportunities in the City, the availability of housing and transportation services to support additional office development in the City, office vacancy and rental rates, and such other factors as the Commission shall deem relevant, there should continue to be a quantitative limit on additional office space after the approval period, and as to what amount of additional office space should be permitted under any such limit.

5. Every holder of a site permit issued on or after July 1, 1982 for any office development, as defined in Section 320(g) without regard to subsections (g)(2) through (g)(5), shall provide to the City Planning Commission reports containing data and information with respect to the following:

(A) number of persons hired for employment either in construction of the development or, to the extent such information is available to the permittee, by users of the completed building;

(B) the age, sex, race and residence by city of each such person;

(C) compensation of such persons, classified in \$5,000 increments, commencing with annualized compensation of \$10,000;

(D) the means by which each such person most frequently travels to and from the place of employment.

Such reports shall commence on October 1, 1985 and continue quarterly thereafter during the approved period. A report containing information by quarter for the period between July 1, 1982 and the effective date of the ordinance shall be submitted not later than December 31, 1985. The City Planning Commission shall have full access to all books, records and documents utilized by any project sponsor in preparation of the written reports referred to above, and shall inspect such books, records and documents from time

to time for purposes of authenticating information contained in such reports.

(b) Guidelines.

1. During the approval period, the City Planning Commission, and the Board of Supervisors and Board of Permit Appeals on appeal from the City Planning Commission, shall approve, within the allowable limit, subject to subsection (b)(2) of this section, only those office developments which they shall determine in particular promote the public welfare, convenience and necessity, and shall be empowered under this section to disapprove the remainder. The Department of City Planning shall issue to office developments so approved, in accord with Sections 320 through 323 of this Code, a project authorization.

2. The following proposed office developments, subject to all other applicable sections of this Code and other applicable law, shall be approved under this section in preference to all others:

(A) All proposed developments to the extent approval is required by court order; and, thereafter,

(B) Subject to subsection (a)(1) of this section, all proposed office developments which were approved by the City Planning Commission during the approval period, but subsequently disapproved by any administrative appellate body or court, if and when said disapproval is later reversed.

3. In determining which office developments best promote the public welfare, convenience and necessity, the Board of Supervisors, Board of Permit Appeals and City Planning Commission shall consider:

(A) Apportionment of office space over the course of the approval period in order to maintain a balance between economic growth, on the one hand, and housing, transportation and public services, on the other.

(B) The contribution of the office development to, and its effects on, the objectives and policies of the Master Plan.

(C) The quality of the design of the proposed office development.

(D) The suitability of the proposed office development for its location, and any effects of the proposed office development specific to that location.

(E) The anticipated uses of the proposed office development, in light of employment opportunities to be provided, needs of existing businesses, and the available supply of space suitable for such anticipated uses.

(F) The extent to which the proposed development will be owned or occupied by a single entity.

(G) The use, if any, of TDR by the project sponsor. Payments, other than those provided for under applicable ordinances, which may be made to a transit or housing fund of the City, shall not be considered.

4. With respect to any office development which shall come before the Board of Supervisors for conditional use review, that Board shall consider, in addition to those criteria made applicable by other provisions of law, the criteria specified in subsection (b)(3). As to any such office development, the decision of the Board of Supervisors with respect to the criteria specified in subsection (b)(3) shall be a final administrative determination and shall not be reconsidered by the City Planning Commission or Board of Permit Appeals.

5. The City Planning Commission shall establish procedures for coordinating review of project authorization applications under Section 322 with review under Section 309 of this Code. The Commission may hold hearings under Section 309 and 322 in such sequence as it may deem appropriate, but may not issue any project authorization until the requirements of Section 309 have been satisfied.

(c) Appeal and modification.

1. If an approved office development is disapproved, or if a previously unapproved office development is approved, by a court or appellate agency, the list described in subsection (a)(3) of this section shall be revised accordingly at the time that the period for rehearing before the appellate body in question shall have lapsed. Approval

on appeal of any office development, if conditioned on disapproval of another office development which was previously approved, shall not be effective before the time for rehearing with respect to the disapproval shall have lapsed.

2. The amount of additional office space of any development shall not count against the maximum for the approval period, beginning from the time the office development loses its approved status on the Department of City Planning list under subsection (c)(1); provided, however, that if a decision disapproving an office development permits construction of a part of the project, the permitted additional office space only shall continue to count against the maximum, unless and until all building or site permits for the development expire or are cancelled, revoked or withdrawn.

3. Any modification of an approved office development, including, without limitation, modification by a court or administrative appellate agency, shall be governed by this subsection, subject, in the case of a court order, to subsection (b)(2)(A).

(A) Any office development which is modified for any reason after it is first approved so as to increase its amount of additional office space shall lose its approved status on the list described in subsection (a)(3) at the time such modification is approved, and may be approved as modified only subject to the limits of subsection (a)(1). Such a modified development shall not be constructed or carried out based on its initial approval. Approval on appeal of such a modified development, if approval would violate the maximum set forth in subsection (a)(1) of this section but for disapproval of another previously approved office development, shall not be effective, nor grounds for reliance, until the time for rehearing with respect to the disapproval shall have lapsed.

(B) An approved office development may be modified so as to reduce the amount of additional office space, subject to all authorizations otherwise required by the City. No additional office space shall become available for any other development during the approval period on account of such a modification, unless the modification is required by any appellate administrative agency or a court, in which case additional office space shall become available when the time for rehearing has lapsed.

(d) Unbuilt Projects; Progress Requirement.

1. The maximum amount of additional office space for the approval period shall be increased by the amount of such space included in office developments which were previously approved during the period but for which during such period an issued site or building permit has been finally cancelled or revoked, or has expired, with the irrevocable effect of preventing construction of the office development.

2. Construction of an office development shall commence within eighteen (18) months of the date the project is first approved. Failure to begin work within that period, or thereafter to carry the development diligently to completion, shall be grounds to revoke approval of the office development. Neither the Department of Public Works nor the Board of Permit Appeals shall grant any extension of time inconsistent with the requirements of this subsection (d)(2).

3. The Bureau of Building Inspection shall notify the Department of City Planning in writing of its approval for issuance and issuance of a site or building permit for any office development, and for any development under the jurisdiction of the San Francisco Redevelopment Agency or Port Commission subject to Section 321(a)(2), and of the revocation, cancellation, or expiration of any such permit.

(e) Rules and Regulations. The City Planning Commission shall have authority to adopt such rules and regulations as it may determine are appropriate to carry out the purposes and provisions of this section and Sections 320, 322 and 323.

SEC. 322. PROCEDURE FOR ADMINISTRATION OF OFFICE DEVELOPMENT LIMIT.

(a) Project Authorization Required. During the approval period, every site or building permit application for an office development must, before final action on the permit, include a copy of a project authorization for such office development, certified as accurate by the Department of City Planning. No such application shall be considered complete and the Department of Public Works shall not issue any such site or building

permit unless such a certified copy is submitted. No site or building permit shall be issued for an office development except in accordance with the terms of the project authorization for such office development. Any such site or building permit which is inconsistent with the project authorization shall be invalid.

(b) Application for Project Authorization. During the approval period, an applicant for approval of an office development shall file an application for a project authorization with the Department of City Planning contemporaneously with the filing of an application for environmental evaluation for such development. Such application shall state such information as the Department of City Planning shall require; provided, however that an application for a project authorization for each office development for which an environmental evaluation application has been filed prior to the effective date of this section, shall be deemed to have been filed effective as of the date such environmental evaluation application was filed.

(c) Processing of Applications.

1. The approval period shall be divided into such review periods as the Planning Commission shall provide by rule. The first review period shall commence on the effective date.

2. Applications for project authorizations shall be considered by the City Planning Commission during a specific review period in accordance with the following procedures:

(A) During a specific review period the City Planning Commission shall consider all project authorization applications for which, prior to the first day of such review period, a final Environmental Impact Report has been certified, or a final negative declaration has been issued, or other appropriate environmental review has been completed; provided, however, that during the first review period, the City Planning Commission shall consider only those office developments for which (i) an environmental evaluation application and a site or building permit application were submitted prior to June 1, 1985, or (ii) a draft environmental impact report or a preliminary negative declaration was published prior to the effective date.

(B) The City Planning Commission may hold hearings on all project authorization applications assigned to a specific review period before acting on any such application.

(C) In reviewing project authorization applications, the City Planning Commission shall apply the criteria set forth in Section 321, and shall, prior to the end of such review period, approve, deny, or, with the consent of the applicant, continue to the next subsequent review period each such application based on said criteria.

(D) Notwithstanding any other provisions of this section or Section 321, the City Planning Commission may at any time, after a noticed hearing, deny or take other appropriate action with respect to any application for a project authorization as to which environmental review, in the judgment of the Commission, has not been or will not be completed in sufficient time to allow timely action under applicable law.

(E) Any project authorization application which is denied by the City Planning Commission, unless such denial is reversed by the Board of Permit Appeals or Board of Supervisors, shall not be resubmitted for a period of one (1) year after denial.

(d) Appeal of Project Authorization. The City Planning Commission's determination to approve or deny the issuance of a project authorization may be appealed to the Board of Permit Appeals within ten (10) days of the Commission's issuance of a dated written decision pursuant to the procedural provisions of Section 308.2 of this Code, except in those instances where a conditional use application was filed. In cases in which a conditional use application was filed, the decision of the City Planning Commission may be appealed only to the Board of Supervisors pursuant to Section 308.1 of this Code. The decision on the project authorization by the Board of Permit Appeals or Board of Supervisors shall be the final administrative determination as to all matters relating to the approval of the office development that is the subject of the project authorization, except for matters, not considered in connection with the project authorization, which

arise in connection with a subsequent building or site permit application for the development in question.

(e) Modification of Project Authorization. The City Planning Commission may approve a modified project authorization, after a noticed hearing, during the review period in which the initial project authorization was approved or a subsequent review period. Approval or denial of a modified project authorization shall be subject to appeal in accord with subsection (d).

(f) No Right to Construct Conveyed. Neither approval nor issuance of a project authorization shall convey any right to proceed with construction of an office development, nor any right to approval or issuance of a site or building permit or any other license, permit, approval or authorization which may be required in connection with said office development.

SEC. 323. OFFICE DEVELOPMENT: PREAPPLICATION PROCEDURE. The City Planning Commission may by rule permit such persons as elect to do so, to submit a preliminary application on a proposed office development before submitting any application for a project authorization. Such a preliminary application shall contain such information as the Commission may require. With respect to each proposed office development for which all the information required by the Department of City Planning is timely submitted to the Department, the Director of Planning or his designee shall, in writing, issue an advisory opinion to the person submitting such information, as to whether he or she at that time intends to recommend, based on the information submitted to him or her, the proposed development for denial by the City Planning Commission. The advice and recommendation of the Director shall neither convey, nor foreclose, any right to proceed with a project authorization application or the development and shall constitute neither approval nor denial of the development. The Director's recommendations under this section shall be governed by Section 321(b) of this Code.

SEC. 324. FINDINGS.

(a) The Board of Supervisors declares that it is the policy of the City and County of San Francisco to:

1. Provide a quality living and working environment for residents and workers;
2. Foster the diversified development of the City, providing a variety of economic and job opportunities;
3. Maintain a balance between economic growth, on the one hand, and housing, transportation and public services in general, on the other, and encourage a rate of growth consistent with transportation and housing capacity;
4. Prevent undesirable effects of development on local air quality and other environmental resources; and
5. Encourage development projects of superior design, optimum location and other desirable characteristics.

(b) In recent years, office development in the City has increased dramatically. Office development has already affected housing, transportation and parking capacities.

(c) The City has only limited legal authority to direct or control physical development, whether for office use or not, on land covered by approved redevelopment plans or under the jurisdiction of the Port Commission.

(d) There are competing legitimate public interests which must be balanced in the planning process. Environmental concerns are of great importance, but must be balanced against the need for continued, healthy economic growth and job creation, maintenance of municipal revenues for the provision of social services, effective preservation of historic buildings and other considerations.

(e) Based on developments proposed to date, general economic conditions affecting San Francisco, and the trend in recent years of an increasing rate of office development, it is likely that excessive office development will come before City agencies for authorization and approval during the years 1985 through 1988, and possible that excessive

development would continue thereafter. It is therefore appropriate to approve during the three years after adoption of this ordinance only particular, proposed developments which serve the public interest, convenience and necessity, and to similarly limit approvals for further periods to the extent excessive development might otherwise continue to occur.

(f) Section 320 through 324 of this ordinance are intended to further the policies noted in subsection (a) and to aid in responding to the effects noted in subsection (b), with due regard to the factors set forth in subsections (c) and (d), by authorizing more effective regulation of the rate, distribution, type and quality of office development in the City and County of San Francisco. Control of office development will afford additional time to analyze and meet its effects.

SEC. 325. SUNSET.

The provisions of Sections 320, 321, 322, 323 and 324 shall remain in effect only until the date three years after the effective date of Ordinance 414-85, and shall be repealed, together with this section, as of that date.

SEC. 604. PERMITS AND CONFORMITY REQUIRED.

(a) An application for a permit for a sign that conforms to the provisions of this Code shall be approved by the Department of City Planning without modification or disapproval by the Department of City Planning or the City Planning Commission, pursuant to the authority vested in them by Section 26, Part III, of the San Francisco Municipal Code or any other provision of said Municipal Code; provided, however, that applications pertaining to signs subject to the regulations set forth in Article 10 of the City Planning Code, Preservation of Historical, Architectural and Aesthetic Landmarks and Article 11, Preservation of Buildings and Districts of Architectural, Historical, and Aesthetic Importance in the C-3 Districts may be disapproved pursuant to the relevant provisions hereof. No sign other than those signs exempted by Section 603 of this Code, shall be erected, placed, replaced, reconstructed or relocated on any property, intensified in illumination or other aspect, or expanded in area or in any dimension except in conformity with the provisions of this Code. No such erection, placement, replacement, reconstruction, relocation, intensification, or expansion shall be undertaken without a permit having been duly issued therefor, except as specifically provided otherwise in this Section 604.

(b) The provisions of this Section 604 shall apply to work of the above types on all signs unless specifically exempted by this Code, whether or not a permit for such sign is required under the San Francisco Building Code. In cases in which permits are not required under the Building Code, applications for permits shall be filed with the Central Permit Bureau of the Department of Public Works on forms prescribed by the Department of City Planning, together with a permit fee of \$5 for each sign, and the permit number shall appear on the completed sign in the same manner as required by the Building Code.

(c) No permit shall be required under this Code for a sign (i) painted or repainted directly on a door or window in a C or M district, or (ii) painted or repainted directly on a wall of a building or structure in a C district (except for Significant and Contributory buildings and buildings in conservation districts subject to the provisions of Article 11) or M district and not exceeding 100 square feet in area. Permits shall be required for all other painted signs in C and M districts, and for all painted signs in P and R districts. Repainting of any painted sign shall be deemed to be a replacement of the sign, except as provided in Subsection (f) below.

(d) Except as provided in Subsection (c) above, no permit shall be required under this Code for ordinary maintenance and minor repairs which do not involve replacement, alteration, reconstruction, relocation, intensification or expansion of the sign.

(e) No permit shall be required under this Code for temporary sale or lease signs, temporary signs of persons and firms connected with work on buildings under actual construction or alteration, and temporary business signs, to the extent that such signs are permitted by this Code.

(f) A mere change of copy on a sign the customary use of which involves frequent and periodic changes of copy shall not be subject to the provisions of this Section 604, except that a change from general advertising to non-general advertising sign copy or from non-general advertising to general advertising sign copy shall in itself constitute a new sign subject to the provisions of this Section 604. In the case of signs the customary use of which does not involve frequent and periodic changes of copy, a change of copy shall in itself constitute a new sign subject to the provisions of this Section 604 if the new copy concerns a different person, firm, group, organization, place, commodity, product, service, business, profession, enterprise or industry.

(g) Each application for a permit for a sign shall be accompanied by a scaled drawing of the sign, including the location of the sign on the building or other structure or on the lot, and including (except in the case of a sign the customary use of which involves frequent and periodic changes of copy) such designation of the copy as is needed to determine that the location, area and other provisions of this Code are met.

(h) Unless otherwise provided in this Code or in other Codes or regulations, a lawfully existing sign which fails to conform to the provisions of this Article 6 may remain until the end of its normal life. Such sign may not, however, be replaced, altered, reconstructed, relocated, intensified or expanded in area or in any dimension except in conformity with the provisions of this Code. Ordinary maintenance and minor repairs shall be permitted, but such maintenance and repairs shall not include replacement, alteration, reconstruction, relocation, intensification or expansion of the sign. A sign which is damaged or destroyed by fire or other calamity shall be governed by the provisions of Sections 181(c) and 188(b) of this Code. A sign which is voluntarily destroyed or removed by its owner or which is required by law to be removed may be restored only in full conformity with the provisions of this Code.

(i) Nothing in this Article 6 shall be deemed to permit any use of property that is otherwise prohibited by this Code, or to permit any sign that is prohibited by the regulations of any special sign district or the standards or procedures of any Redevelopment Plan or any other Code or legal restriction.

ARTICLE 11 PRESERVATION OF BUILDINGS AND DISTRICTS OF ARCHITECTURAL, HISTORICAL, AND AESTHETIC IMPORTANCE IN THE C-3 DISTRICTS

SEC. 1101. FINDINGS AND PURPOSES.

(a) It is hereby found that a substantial number of the buildings in the C-3 District have a special architectural, historical, and aesthetic value. These buildings contribute substantially to San Francisco's reputation throughout the United States as a city of outstanding beauty and physical harmony. A substantial number of these special buildings have been and continue to be unnecessarily destroyed or impaired, despite the feasibility of preserving and continuing their use, and without adequate consideration for the irreplaceable loss to the people of the city of their aesthetic, cultural, historic, and economic value.

(b) It is further found that distinct and definable subareas within the C-3 District possess concentrations of buildings that together create a unique historic, architectural, and aesthetic character which contributes to the beauty and attractiveness of the city. The quality of these geographic areas has been and continues to be degraded by the unnecessary demolition of buildings of substantial architectural and aesthetic merit, by their replacement with buildings which conflict with the character and scale of the area, and by alteration of buildings in a manner which conflicts with the character and scale of the area.

(c) It is therefore declared that the protection, enhancement, and perpetuation of buildings and definable subareas of special architectural, historical, and aesthetic interest is necessary to promote the health, safety, prosperity and welfare of the people of the

city. Accordingly, the purposes of this Article are:

1. The protection, enhancement, and perpetuation of structures and subareas of special architectural, historical, and aesthetic character which contribute to the urban environment;

2. The maintenance and improvement of a healthy economy for the city by enhancing both property values and the city's attractiveness as a place to do business;

3. The protection and improvement of the city's attractiveness to tourists and other visitors, and the stimulus to business provided thereby;

4. The enrichment of the educational, cultural, aesthetic and spiritual life of the inhabitants of the city by fostering knowledge of the heritage of the city's past and retaining the quality of the city's urban environment.

(d) It is further found that the use of Transferable Development Rights as provided herein is necessary to promote the urban planning and design goals of the Master Plan by (1) maintaining appropriate overall development capacities in each zoning district within the C-3 area, as defined by applicable floor area, height, bulk and other parameters; (2) encouraging and directing development into the Special Development District in order to maintain a compact downtown financial district; and (3) facilitating the retention of Significant Buildings, and encouraging the retention of Contributory Buildings, and the compatible replacement or alteration of Unrated buildings in Conservation Districts, as defined herein.

SEC. 1102. STANDARDS FOR DESIGNATION OF BUILDINGS. The buildings in the C-3 Districts are divided into five categories according to the Building Rating methodology as set forth and explained in the Preservation of the Past section of the Downtown Plan, a component of the Master Plan. Those categories are as follows:

(a) Significant Buildings - Category I. Buildings which:

1. are at least forty years old; and
2. are judged to be Buildings of Individual Importance; and
3. are rated Excellent in Architectural Design or are rated Very Good in both Architectural Design and Relationship to the Environment.

(b) Significant Buildings - Category II. Buildings:

1. which meet the standards in Section 1102(a) above; and
2. to which, because of their depth and relationship to other structures, it is feasible to add different and higher replacement structures or additions to height at the rear of the structure, even if visible when viewing the principal facades, without affecting their architectural quality or relationship to the environment and without affecting the appearance of the retained portions as separate structures when viewing the principal facades. The designation of Category II buildings shall identify for each building the portion of the building beyond which such additions may be permitted.

(c) Contributory Buildings - Category III. Buildings which:

1. are located outside a designated Conservation District; and
2. are at least forty years old; and
3. are judged to be Buildings of Individual Importance; and
4. are rated either Very Good in Architectural Design or Excellent or Very Good in Relationship to the Environment.

(d) Contributory Buildings - Category IV. Buildings which:

1. are located in a designated Conservation District; and
2. are at least forty years old; and
3. are judged to be Buildings of Individual Importance, and are rated either Very Good in Architectural Design or Excellent or Very Good in Relationship to the Environment.

4. are judged to be Buildings of Contextual Importance and are rated Very Good in Architectural Design and/or Excellent or Very Good in Relationship to the Environment.

(e) Unrated Buildings - Category V. Buildings which are not designated as Significant or Contributory.

SEC. 1102.1. Designation of Buildings. The buildings in the C-3 District are classified as follows:

- (a) Significant Buildings - Category I. The buildings listed in Appendix A to this Article 11 are hereby designated as Significant Buildings - Category I.
- (b) Significant Buildings - Category II. The buildings listed in Appendix B to this Article 11 are hereby designated as Significant Buildings - Category II.
- (c) Contributory Buildings - Category III. The buildings listed in Appendix C to this Article 11 are hereby designated as Contributory Buildings -- Category III.
- (d) Contributory Buildings - Category IV. The buildings listed in Appendix D to this Article 11 are hereby designated as Contributory Buildings - Category IV.
- (e) Unrated Buildings - Category V. All buildings in the C-3 District not otherwise designated in this Section are hereby designated as Unrated - Category V.

SEC. 1103. STANDARDS FOR DESIGNATION OF CONSERVATION DISTRICTS. Portions of the C-3 District may be designated as Conservation Districts if they contain substantial concentrations of buildings that together create subareas of special architectural and aesthetic importance. Such areas shall contain substantial concentrations of Significant and Contributory Buildings and possess substantial overall architectural, aesthetic, or historic qualities justifying additional controls in order to protect and promote those qualities.

SEC. 1103.1. CONSERVATION DISTRICT DESIGNATIONS. The following Conservation Districts are hereby designated for the reasons indicated in the appropriate appendix:

- (a) The Kearny-Market-Mason-Sutter Conservation District is hereby designated as set forth in Appendix E.
- (b) The New Montgomery-Second Street Conservation District is hereby designated as set forth in Appendix F.
- (c) The Commercial-Leidesdorff Conservation District is hereby designated as set forth in Appendix G.
- (d) The Front-California Conservation District is hereby designated as set forth in Appendix H.
- (e) The Kearny-Belden Conservation District is hereby designated as set forth in Appendix I.
- (f) The Pine-Sansome Conservation District is hereby designated as set forth in Appendix J.

SEC. 1104. NOTICE OF DESIGNATION.

(a) The Zoning Administrator shall notify by mail the owners of every building designated by this ordinance as a Significant or Contributory building and every building within a conservation district as established by this ordinance.

(b) With respect to buildings designated Significant or Contributory by this ordinance, notice shall also be given by posting each such building in a conspicuous place as well as by publication pursuant to the provisions of California Government Code Section 6064. The notice shall state that the owner of every building so designated has the right to request a change of designation and the time permitted for making such a request.

(c) The Zoning Administrator shall cause a copy of this ordinance, or notice thereof, to be recorded in the office of the County Recorder for properties designated as Significant or Contributory, and for properties designated within a conservation district, by this ordinance.

SEC. 1105. RECONSIDERATION OF DESIGNATION.

(a) Request for Reconsideration. Within 45 days of the effective date of this ordinance, a request for reconsideration and change of a designation may be filed by any

affected property owner, by any organization or group which has historic preservation stated as one of its goals in its by-laws or articles of incorporation, or the application of at least fifty (50) registered voters of the City, based on the grounds that under the standards contained in Section 1102 the designation set forth in this ordinance is incorrect. Such a request shall be filed with the Department of City Planning on forms provided for that purpose. The Department of City Planning shall not accept or act upon any application filed after 45 days have passed. Once a request for reconsideration has been made as to any building, no additional requests shall be accepted as to that building; however, another applicant may seek a change of designation different from that sought in the original reconsideration request. Any property owner who contends that the designation applicable to its property deprives the owner of a constitutionally protected property right, or that by reason of such application, the property owner is entitled to compensation, shall assert such argument in connection with and in aid of the application filed under this Section and provide all evidence in the property owner's possession in support of such contention.

(b) Referral to the Landmarks Preservation Advisory Board; Review by the Department of City Planning. Upon determination by the Zoning Administrator that an application is complete, the Zoning Administrator shall promptly refer the matter to the Landmarks Preservation Advisory Board for review and recommendation, and the Department of City Planning shall undertake a study of the reconsideration request and prepare a report and recommendation. The Landmarks Board shall recommend approval, disapproval, or approval with modifications of the application within 30 days of receiving it; provided, however, that if more than 30 applications are received within any 15-day period at the Department of City Planning, the Zoning Administrator may extend the time for Advisory Board action with respect to those applications for an additional period of time not to exceed 45 days, and if more than 50 applications are received within such time, for an additional period of time deemed necessary to allow sufficient time for Board review. If the Landmarks Board fails to respond within the allowed time the City Planning Commission shall proceed without a recommendation from the Landmarks Board.

(c) Submittal to the Planning Commission. Upon completion of the study by the Department of City Planning and recommendation by the Landmarks Advisory Board, the matter shall be scheduled for public hearing before the Planning Commission; provided, however, that in no event shall it be scheduled later than 30 days after the Advisory Board has made its recommendation unless the applicant consents to an extension of this time limit. Notice of the hearing shall be given by mail to the applicant and to any other persons requesting notice.

(d) City Planning Commission Decision. The Planning Commission may approve, disapprove, or approve with modifications the reconsideration application. The building shall be deemed to be designated according to the decision of the Planning Commission and the provisions of this Article 11 applicable to that designation shall apply to the building notwithstanding another designation of the building in Appendices A, B, C or D to this article.

SEC. 1106. CHANGE OF DESIGNATION; DESIGNATION OF ADDITIONAL BUILDINGS. Buildings may be designated or their designation may be changed through amendment of appendices A, B, C and D of this Article. Such designation or change of designation shall be governed by the following provisions in lieu of the provisions of Section 302:

(a) Initiation. The designation or change of designation of a building may be initiated by motion of the Board of Supervisors, by resolution of the Planning Commission or the Landmarks Preservation Advisory Board, by the verified application of the owner or authorized agent of the affected property, by the application of any organization or group which has historic preservation stated as one of its goals in its by-laws or articles of incorporation, or by the application of at least fifty (50) registered voters of the City. Except in the case of initiation by governmental bodies, any such application shall be filed

with the Department of City Planning upon forms prescribed by the Department of City Planning, and shall be accompanied by all data required by the Department.

(b) Notice; Referral to the Landmarks Preservation Advisory Board; Review by the Department of City Planning. Upon determination by the Zoning Administrator that a verified application is complete and contains all necessary information or upon receipt of the motion or resolution of one of the governmental bodies set forth in Subsection (a) above, the Zoning Administrator shall (1) send notice of the proposed designation or change of designation by mail to the owner of the affected property, unless the application is that of the owner, and (2) promptly refer the matter to the Landmarks Preservation Advisory Board for review and the submittal of a recommendation. The Department of City Planning shall also undertake a study of the proposed designation or change of designation.

(c) Action by the Planning Commission. Upon completion of the review of the proposed designation or change of designation by the Department of City Planning and the submittal of the report by the Landmarks Board, the matter shall be placed on the agenda of the Planning Commission for public hearing. The Planning Commission shall determine the appropriate designation or change in designation of the building. If the Planning Commission approves or modifies the designation or change of designation in whole or in part, it shall transmit the proposal, together with a copy of the resolution of approval, to the Clerk of the Board of Supervisors.

(d) Designation by Board of Supervisors. The Board of Supervisors, or a committee thereof, shall hold a public hearing on any proposal so transmitted to it. The Board of Supervisors may approve, modify and approve, or disapprove the designation or change of designation by a majority vote of all its members.

(e) Appeal to Board of Supervisors. If the Planning Commission disapproves the proposed designation or change of designation, such action shall be final except upon the filing of a notice of appeal to the Board of Supervisors within 30 days by the applicant or any of the persons, organizations or groups listed in Section 1106(a); provided, however, that if the proposal was initiated by the Board of Supervisors, the Clerk of the said Board shall be notified immediately of the disapproval without the necessity for an appeal.

(f) Hearing and Decision. The Board of Supervisors, or a committee thereof, shall hold a public hearing on any such proposal appealed to it or initiated by it. The Board of Supervisors may uphold the Planning Commission, overrule the Planning Commission and approve, or modify and approve, the designation or change of designation by a majority vote of all its members.

(g) Notice of Proceedings. Notice of the hearing scheduled before the Planning Commission and Board of Supervisors, and of the availability of applicable reports, shall be given by mail to the initiators of the designation or change of designation, to the owners of any affected building, to appellants, and to any other interested person or organization requesting notice.

(h) Grounds for Designation or Change of Designation. The designation of a building may be changed if (1) changes in the area in the vicinity of a building located outside a Conservation District warrant a change in the rating of the building with respect to its relationship to the environment and therefore place it in a different category, pursuant to Section 1102; or (2) changes in Conservation District boundaries make a building of Contextual Importance fall outside a Conservation District and therefore no longer eligible for designation as a Contributory building, or, conversely, make a building of Contextual Importance fall within a Conservation District and therefore eligible for designation as a Contributory Building; or (3) changes in the physical features of the building due to circumstances beyond the control of the owner, or otherwise permitted by this Article, warrant placing the building in a different category pursuant to the standards set forth in Section 1102; or (4) restoration of the building to its original quality and character warrants placing the building in a different category pursuant to the standards set forth in Section 1102; or (5) by the passage of time, the building has become at least 40 years old, making it eligible to be considered for designation as a Significant or

Contributory Building, pursuant to Section 1102; or (6) the discovery of new factual information (for example, information about the history of the building) makes the building eligible for rating as a Building of Individual or Contextual Importance and, therefore, eligible to be designated as a Significant or Contributory Building.

SEC. 1107. PROCEDURES FOR DESIGNATION OF ADDITIONAL CONSERVATION DISTRICTS OR BOUNDARY CHANGE OF CONSERVATION DISTRICTS. A Conservation District may be designated or its boundary changed through amendment of Section 1103.1 of this Article 11. Such designation or boundary change shall be governed by the following provisions in lieu of the provisions of Section 302.be governed by the following provisions in lieu of the provisions of Section 302.

(a) Initiation of Designation or Boundary Change. The designation of an area of the C-3 District as a Conservation District or the change of District boundaries may be initiated by motion of the Board of Supervisors, by resolution of the Planning Commission the Landmarks Preservation Advisory Board, upon the verified application of the owners or other authorized agents of greater than 25% of the structures in the area proposed for designation (or, as to an alteration, 25% of the structures of the proposed new district unless it would be an area smaller than the existing district, in which case it shall be 25% of the structures of the existing district), upon the verified application of any organization or group which has historic preservation stated as one of its goals in its by-laws or articles of incorporation, or upon the verified application of at least one hundred fifty (150) registered voters of the city. Except in case of an initiation by governmental bodies, any such application shall be filed with the Department of City Planning upon forms prescribed by the Department of City Planning, and shall be accompanied by all data required by said Department.

(b) Notice; Referral to the Landmarks Preservation Advisory Board; Review by the Department of City Planning. Notice, referral to the Landmarks Board and review by the Department of City Planning shall be as provided in Section 1106(b) of this Article.

(c) Submittal to the Planning Commission. Submittal to and action by the Planning Commission shall be as set forth in Section 1106(c) of this Article.

(d) Designation by Board of Supervisors. The Board of Supervisors, or a committee thereof, shall hold a public hearing on any proposal so transmitted to it. The Board of Supervisors may approve, modify and approve, or disapprove the designation or boundary change by a majority vote of all its members.

(e) Appeal to Board of Supervisors. If the Planning Commission disapproves the proposed designation or boundary change, such action shall be final except upon the filing of a notice of appeal to the Board of Supervisors within 30 days by the applicant or any of the persons organizations, or groups listed in Section 1107(a); provided, however, that if the proposal was initiated by the Board of Supervisors, the Clerk of the said Board shall be notified immediately of the disapproval without the necessity for an appeal.

(f) Hearing and Decision. The Board of Supervisors, or a committee thereof, shall hold a public hearing on any such proposal appealed to it or initiated by it. The Board of Supervisors may uphold the Planning Commission, overrule the Planning Commission and approve, or modify and approve, the designation or boundary change by a majority vote of all its members.

(g) Notice of Proceedings. Notice of the hearing scheduled before the Planning Commission shall be given by mail to the initiators of the designation or alteration, the owners of all lots within 300 feet of the proposed new district or of that portion of the district being altered, as well as to interested individuals or organizations who request such notice.

(h) Standards Applicable to Designation or Boundary Change. The standards governing the designation and change of District boundaries are those set forth in Section 1103. Areas may be removed from Conservation Districts if the character of the area has changed such that the area no longer qualifies under the standards set forth in Section 1103.

SEC. 1108. NOTICE OF DESIGNATION. When a building has been designated Significant or Contributory or its designation is changed pursuant to Section 1106, or when a new Conservation District is established or the boundary of a Conservation District changed pursuant to Section 1107, the Zoning Administrator shall notify each affected property owner by mail and shall cause a copy of the ordinance, or notice thereof, to be recorded in the office of the County Recorder.

SEC. 1109. PRESERVATION LOTS; ELIGIBILITY FOR TRANSFER OF DEVELOPMENT RIGHTS. For the purpose of transfer of development rights (TDR) as provided in Section 128 of this Code, lots on which are located Significant or Contributory Buildings, or Category V Buildings in those certain Conservation Districts and portions thereof as indicated in Section 8 of the Appendix relating to that district are eligible preservation lots as provided in this section:

(a) Significant Buildings. Lots on which are located buildings designated as Significant Buildings - Category I or Category II - are eligible to transfer the difference between the allowable gross floor area permitted on the lot by Section 124 of this Code and the gross floor area of the development on the lot, if all the requirements for transfer set forth in Section 128 are met. Lots on which are located Significant buildings which have been altered in conformance with the provisions of this Article retain eligibility for the transfer of TDR.

(b) Contributory Buildings. Lots on which are located buildings designated as Contributory Buildings - Category III or Category IV - are eligible to transfer the difference between the allowable gross floor area permitted on the lot by Section 124 of the Code and the gross floor area of the development on the lot, if all the requirements for transfer set forth in Section 128 are met. Alteration or demolition of such a building in violation of Section 1110 or Section 1112, or alterations made without a permit issued pursuant to Section 1111 - 1111.6, eliminates eligibility for the transfer of TDR; provided, however, that such eligibility may nonetheless be retained or acquired again if, pursuant to Section 1114(b), the property owner demonstrates as to any alteration that it was not major, or if the property owner restores the demolished or altered building. Once any TDR have been transferred from a Contributory building, the building is subject to the same restrictions on demolition and alteration as a Significant building. These restrictions may not be removed by the transfer of TDR back to the building.

(c) Category V Buildings in Conservation Districts. Where explicitly permitted in Section 8 of the Appendix establishing a Conservation District, lots located in such a District on which are located Category V buildings (designated as neither Significant nor Contributory) are eligible to transfer the difference between the allowable gross floor area permitted on the lot under Section 124 of the Code and the gross floor area of the development on the lot, if all the requirements for transfer set forth in Section 128 are met; provided, however, that a lot is eligible as a Preservation Lot pursuant to this section only if (1) the exterior of the building is substantially altered so as to make it compatible with the scale and character of the Significant and Contributory buildings in the district, including those features described in Sections 6 and 7 of the Appendix to Article 11 describing the relevant district, and has thus been determined a Compatible Rehabilitation, and the building meets or has been reinforced to meet the standards for seismic loads and forces of the 1975 Building Code or (2) the building on the lot is new, having replaced a Category V building, and has received approval as a Compatible Replacement Building, pursuant to Section 1113. The procedures governing these determinations are set forth in Section 309.

SEC. 1110. ALTERATION OF SIGNIFICANT OR CONTRIBUTORY BUILDINGS OR BUILDINGS IN CONSERVATION DISTRICTS. With respect to a designated Significant or Contributory Building or any Category V building in a Conservation District, no person shall carry out or cause to be carried out any alteration to the exterior of a building for which a permit is required pursuant to the Building Code unless the permit is approved

pursuant to the provisions of Section 1111 - 1111.6 of this Article; provided, however, that this approval is not required with respect to the owner of a Contributory Building of Category III who has not transferred any TDR and who elects to proceed with a major alteration without reference to Sections 1111 - 1111.6. Election to proceed without a permit pursuant to this Section may be made at the time that the Zoning Administrator determines that the proposed alteration is major pursuant to Section 1111.1. If no election is made at the time of the Zoning Administrator's determination that an alteration is major, the applicant may make such election at any time thereafter. Review under Sections 1111 - 1111.6 shall cease after such election has been made and the permit shall be processed without regard to the requirements of that section. Election shall be made in writing on a form provided by the Zoning Administrator. Where an owner elects not to proceed pursuant to Sections 1111 - 1111.6, the proposed alteration for which the application is filed shall be deemed not to meet the requirements of Section 1111.6, and if the alteration permit is issued and work commenced thereunder, the Zoning Administrator shall not issue a Statement of Eligibility for the lot on which the building is located.

SEC. 1111. APPLICATIONS FOR PERMITS TO ALTER. The Zoning Administrator may define categories of alterations which are deemed to be minor alterations and individual permits falling within those categories shall be reviewed and acted upon without referral to the Zoning Administrator for review pursuant to Sections 1111 - 1111.6. All other applications for permits to undertake any alteration of a building designated Significant or Contributory or a building in any Conservation District shall be referred to the Zoning Administrator by the Central Permit Bureau within five days of receipt. An applicant for a major alteration permit for a Category V building in any of the conservation districts which provides for such eligibility may request on the application a determination that if the proposed alteration is completed as approved, the building will be deemed a Compatible Rehabilitation under Section 1109(c) so that the lot on which the building is located becomes eligible as a Preservation Lot for the transfer of TDR.

SEC. 1111.1. Determination of Major Alteration. Within ten days after referral by the Central Permit Bureau, the Zoning Administrator shall determine in writing if the proposed alteration is a Major Alteration or a Minor Alteration.

(a) An alteration is considered Major if any of the following apply:

1. The alteration will substantially change, obscure or destroy exterior character-defining spaces, materials, features or finishes; or
2. The alteration would affect all or any substantial part of a building's structural elements, exterior walls or exterior ornamentation; or
3. The alteration occurs by virtue of construction which results in a substantial addition of height above the height of the building.

(b) An alteration is considered minor if:

1. The criteria set forth in subsection (a) do not apply; or
2. It is an alteration of the ground floor display areas within the architectural frame (piers and lintels) of the building to meet the needs of first floor commercial uses.

(c) The Zoning Administrator shall mail to the applicant and any individuals or organizations who so request the written determination as to the category of the proposed alteration. Decisions of the Zoning Administrator may be appealed to the Board of Permit Appeals within 10 days of the written determination in the manner provided in Section 308.2.

(d) Permits determined to be for minor alterations shall be returned, with that determination noted, to the Central Permit Bureau for further processing; provided, however, that the Zoning Administrator may take any action with respect to the application otherwise authorized.

SEC. 1111.2. Referral of Applications for Major Alterations to Landmarks

Preservation Advisory Board; Review by the Department of City Planning.

(a) Upon determination that the proposed alteration is a major alteration, the Director of Planning shall refer applications for permits to alter Significant and Contributory buildings to the Landmarks Preservation Advisory Board for its report and recommendation, which shall be rendered within thirty days. Said time limit for the Board to render its report may be extended by the Department of City Planning for an additional thirty days to render its report in the case of complex alterations, multiple hearings, or upon request of the applicant. If the Board fails to submit a report and recommendation within the time allowed, the matter may be considered without reference to such report and recommendation.

(b) Simultaneously with the proceedings before the Landmarks Board, the application shall be reviewed by the Department of City Planning.

(c) Applications for permits to alter any Category V building in a Conservation District which alteration is determined to be major shall be governed by the standards of Section 1111.6(c) and the procedures set forth in Section 309.

SEC. 1111.3. Recommendation of the Director of Planning. After considering any report and recommendation submitted by the Landmarks Preservation Advisory Board, the Director of Planning shall make a determination on the application and shall submit a written recommendation containing findings to the Planning Commission. The recommendation may be to approve, to approve with conditions, or disapprove the application for alteration, and, where applicable, the application for a determination that the building is a Compatible Rehabilitation. The Commission, the applicant and any other person who so requests shall be supplied with a copy of reports and recommendations of the Landmarks Preservation Advisory Board and the findings and recommendations of the Director of Planning.

SEC. 1111.4. CONSIDERATION AND DECISION BY THE CITY PLANNING COMMISSION.

(a) The recommendation of the Director of Planning shall be placed on the consent calendar of the City Planning Commission; provided, however, that upon the request of the applicant or of any person prior to the City Planning Commission meeting or by a member of the Commission at the meeting, the matter may be removed from the consent calendar and calendared for a public hearing before the Planning Commission at a later meeting, which shall be the next regular meeting of the Commission unless the applicant otherwise consents.

(b) Notice of the time, place and purpose of the hearing before the City Planning Commission shall begin given as follows:

1. By mail to the applicant
2. When the application is for alteration of a building located in a Conservation District, by mail not less than 10 days prior to the date of the hearing to the owners of all real property within 300 feet of property that is the subject of the application.

SEC. 1111.5. DECISION BY THE CITY PLANNING COMMISSION. The Planning Commission may approve, disapprove or approve with conditions an application for an alteration permit and, where applicable, for a determination that the building is a Compatible Rehabilitation, and shall make findings in support of its decision. If the Planning Commission approves the recommendation of the Director of Planning, it may adopt or modify the findings of the Director of Planning as appropriate. Where the Planning Commission disapproves the recommendations of the Director of Planning, it shall make findings supporting its decision. If the Commission disapproves the application for a permit to alter, it shall recommend disapproval to the Central Permit Bureau which shall deny the application. The Planning Commission's determination that a building qualifies or fails to qualify as a Compatible Rehabilitation is a final administrative decision. Any decision of the Planning Commission rendered pursuant to this Section shall

be rendered within 30 days from the date of conclusion of the hearing.

SEC. 1111.6. STANDARDS AND REQUIREMENTS FOR REVIEW OF APPLICATIONS FOR ALTERATIONS. The Board of Permit Appeals, the City Planning Commission, the Director of Planning, and the Landmarks Board shall be governed by the following standards in the review of applications for major alteration permits.

(a) The proposed alteration shall be consistent with and appropriate for the effectuation of the purposes of this Article 11.

(b) For Significant Buildings - Categories I and II and for Contributory Buildings - Categories III and IV, proposed alterations of structural elements and exterior features ((and, if designated pursuant to the provisions of Article 10, significant interiors)) shall be consistent with the architectural character of the building, and shall comply with the following specific requirements:

1. The distinguishing original qualities or character of the building may not be damaged or destroyed. Any distinctive architectural feature which affects the overall appearance of the building shall not be removed or altered unless it is the only feasible means to protect the public safety.

2. The integrity of distinctive stylistic features or examples of skilled craftsmanship that characterize a building shall be preserved.

3. Distinctive architectural features which are to be retained pursuant to paragraph (1) but which are deteriorated shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material shall match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplication of features, substantiated by historic, physical or pictorial evidence, if available, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures. Replacement of non-visible structural elements need not match or duplicate the material being replaced.

4. Contemporary design of alterations is permitted provided that such alterations do not destroy significant exterior architectural material and that such design is compatible with the size, scale, color, material and character of the building and its surroundings.

5. The degree to which distinctive features need be retained may be less when the alteration is to exterior elements not constituting a part of a principal facade or when it is an alteration of the ground floor frontage in order to adapt the space for ground floor uses.

6. In the case of Significant Buildings -- Category I, any additions to height of the building (including addition of mechanical equipment) shall be limited to one story above the height of the existing roof, shall be compatible with the scale and character of the building, and shall in no event cover more than 75% of the roof area.

7. In the case of Significant Buildings -- Category II, a new structure or addition, including one of greater height than the existing building, may be permitted on that portion of the lot not restricted in Appendix B even if such structure or addition will be visible when viewing the principal facades at ground level, provided that the structure or addition does not affect the appearance of the retained portion as a separate structure when so viewing the principal facades and is compatible in form and design with the retained portion. Alteration of the retained portion of the building is permitted as provided in paragraphs 1 through 6 of this subsection (b).

(c) Within Conservation Districts, all major exterior alterations, of Category V buildings, shall be compatible in scale and design with the District as set forth in Sections 6 and 7 of the appendix which describes the District.

SEC. 1111.7. PERMITS FOR SIGNS.

(a) Wherever a permit for a sign is required pursuant to Article 5 of this Code, an application for such permit shall be governed by the provisions of this Section in addition

to those of Article 6.

(b) Apart from and in addition to any grounds for approval or disapproval of the application under Article 6, an application involving a permit for a business sign, or general advertising sign, identifying sign, or name plate to be located on a Significant or Contributory building or any building in a Conservation District may be disapproved, or approved subject to conditions if the proposed location, materials, means of illumination or method or replacement of attachment would adversely affect the special architectural, historical or aesthetic significance of the building or the Conservation District. No application shall be denied on the basis of the content of the sign.

(c) The Director of Planning shall make the determination required pursuant to subsection (b). Any permit applicant may appeal the determination of the Director of Planning to the City Planning Commission by filing a notice of appeal with the Secretary of the Commission within 10 days of the determination. The City Planning Commission shall hear the appeal and make its determination within 30 days of the filing of the notice of appeal.

SEC. 1112. DEMOLITION OF SIGNIFICANT AND CONTRIBUTORY BUILDINGS AND BUILDINGS IN CONSERVATION DISTRICTS. No person shall demolish or cause to be demolished all or any part of a Significant or Contributory Building or any building in a Conservation District without obtaining a demolition or alteration permit pursuant to the provisions of this Article. Applications for permits to demolish Category V buildings located outside a Conservation District may be processed without reference to this Article.

SEC. 1112.1. APPLICATIONS FOR A PERMIT TO DEMOLISH. Applications for a permit to demolish any Significant or Contributory Building or any building in a Conservation District shall comply with the provisions of Section 1006.1 of Article 10 of this Code.

In addition to the contents specified for applications in Section 1006.1 of Article 10, any application for a permit to demolish a Significant building, or a Contributory building from which TDR have been transferred, on the grounds stated in Section 1112.7(a)(1), shall contain the following information:

(a) For all property:

1. The amount paid for the property;
2. The date of purchase, the party from whom purchased, and a description of the business or family relationship, if any, between the owner and the person from whom the property was purchased;
3. The cost of any improvements since purchase by the applicant and date incurred;
4. The assessed value of the land, and improvements thereon, according to the most recent assessments;
5. Real estate taxes for the previous two years;
6. Annual debt service, if any, for the previous two years;
7. All appraisals obtained within the previous five years by the owner or applicant in connection with his or her purchase, financing or ownership of the property;
8. Any listing of the property for sale or rent, price asked and offers received, if any;
9. Any consideration by the owner for profitable and adaptive uses for the property, including renovation studies, plans, and bids, if any; and

(b) For income producing property:

1. Annual gross income from the property for the previous four years;
2. Itemized operating and maintenance expenses for the previous four years;
3. Annual cash flow for the previous four years.

Applications for the demolition of any Significant or Contributory Building shall also contain a description of any Transferable Development Rights or the right to such rights

which have been transferred from the property, a statement of the quantity of such rights and untransferred rights remaining, the amount received for rights transferred, the transferee, and a copy of each document effecting a transfer of such rights.

SEC. 1112.2. DISPOSITION OF APPLICATIONS TO DEMOLISH CONTRIBUTORY BUILDINGS AND UNRATED BUILDINGS IN CONSERVATION DISTRICTS.

(a) The Zoning Administrator shall determine, within 5 days of acceptance of a complete application, the designation of the building and, with respect to Contributory buildings, whether any TDR have been transferred from the lots of such buildings.

(b) If the Zoning Administrator determines that TDR have been transferred from the lot of a Contributory building, the application for demolition of that building shall be reviewed and acted upon as if it applied to a Significant building.

(c) The Zoning Administrator shall approve any application for demolition of a Contributory building in a Conservation District from which no TDR have been transferred, or an Unrated building located in a Conservation District, if a building or site permit has been lawfully issued for a replacement structure on the site, in compliance with Section 1113. The Zoning Administrator shall approve an application for demolition of a Significant building - Category II if a building or site permit has been lawfully issued for an alteration or replacement structure on the portion of the site which would be affected by the demolition, in compliance with Section 1111.6(b)(7). The Zoning Administrator shall disapprove any application for a demolition permit where the foregoing requirement has not been met; provided, however, that the Zoning Administrator shall approve any otherwise satisfactory application for such a permit notwithstanding the fact that no permit has been obtained for a replacement structure if the standards of Section 1112.7 for allowing demolition of a Significant building are met.

(d) The Zoning Administrator shall approve applications to permit demolition of a Contributory Building - Category III from which no TDR have been transferred only if a building or site permit for a replacement building on the same site has been approved, and it has been found, pursuant to review under the procedural provisions of Section 309, that the proposed replacement will not adversely affect the character, scale or design qualities of the general area in which it is located, either by reason of the quality of the proposed design or by virtue of the relation of the replacement structure or structures to their setting. Notwithstanding the preceding sentence, the Zoning Administrator shall approve any such demolition permit application if the standards of Section 1112.7 for allowing demolition of a Significant building are met.

SEC. 1112.3. APPLICATIONS TO DEMOLISH SIGNIFICANT BUILDINGS OR CONTRIBUTORY BUILDINGS FROM WHICH TDR HAVE BEEN TRANSFERRED; ACCEPTANCE AND NOTICE. Upon acceptance as complete of applications for a permit to demolish any Significant building or to demolish any Contributory building from which TDR have been transferred, the application shall be placed on the agenda of the Planning Commission for hearing.

SEC. 1112.4. REFERRAL TO THE LANDMARKS PRESERVATION ADVISORY BOARD PRIOR TO HEARING; REVIEW BY THE DIRECTOR OF PLANNING. The application for a permit to demolish a building covered by Section 1112.3 shall be referred to the Landmarks Preservation Advisory Board and considered by said Board pursuant to the provisions of Section 1006.4 of this Code. The Director of Planning shall prepare a report and recommendation for the Planning Commission. If the Landmarks Board does not act within 30 days of referral to it, the Planning Commission may proceed without a report and recommendation from the Landmarks Board.

SEC. 1112.5. PLANNING COMMISSION HEARING AND DECISION. The application shall be heard by the Planning Commission. Notice of the hearing shall be given in the manner set forth in Section 309(c). In such proceedings, the applicant has the burden of

establishing that the criteria governing the approval of applications set forth in Section 1112.7 have been met.

SEC. 1112.6. DECISION OF THE PLANNING COMMISSION. The Planning Commission may approve, disapprove or approve with conditions, the application, and shall make findings relating its decision to the standards set forth in Section 1112.7. The decision of the Planning Commission shall be rendered within 30 days from the date of conclusion of the hearing.

SEC. 1112.7. STANDARDS FOR REVIEW OF APPLICATIONS TO DEMOLISH. The Board of Permit Appeals, the City Planning Commission, the Director of Planning, and the Landmarks Board shall follow the standards in this section in their review of applications for a permit to demolish any Significant or Contributory building from which TDR have been transferred.

No demolition permit may be approved unless: (1) it is determined that under the designation, taking into account the value of Transferable Development Rights and costs of rehabilitation to meet the requirements of the Building Code or other city, state or federal laws, the property retains no substantial remaining market value or reasonable use; or (2) the Superintendent of the Bureau of Building Inspection or the Chief of the Bureau of Fire Prevention and Public Safety determines, after consultation, to the extent feasible, with the Department of City Planning, that an imminent safety hazard exists and that demolition of the structure is the only feasible means to secure the public safety. Costs of rehabilitation necessitated by alterations made in violation of Section 1110, by demolition in violation of Section 1112, or by failure to maintain the property in violation of Section 1117, may not be included in the calculation of rehabilitation costs under subsection (1).

SEC. 1113. NEW AND REPLACEMENT CONSTRUCTION IN CONSERVATION DISTRICTS. No person shall construct or cause to be constructed any new or replacement structure or add to any existing structure in a Conservation District unless it is found that such construction is compatible in scale and design with the District as set forth in Sections 6 and 7 of the Appendix which describes the District. Applications for a building or site permit to construct or add to a structure in any Conservation District shall be reviewed pursuant to the procedures set forth in Section 309 and shall only be approved pursuant to Section 309 if they meet the standards set forth herein. If a building or site permit application for construction of a building is approved pursuant to this section and if the building is constructed in accordance with such approval, and if the building is located in a Conservation District for which, pursuant to Section 8 of the Appendix establishing that district, such a transfer is permitted, the building shall be deemed a Compatible Replacement building, and the lot on which such building is located shall be eligible as a Preservation Lot for the transfer of TDRs.

SEC. 1114. UNLAWFUL ALTERATION OR DEMOLITION.

(a) In addition to any other penalties provided in Section 1119 or elsewhere, alteration or demolition of a Significant or Contributory building or any building within a Conservation District in violation of the provisions of this Article shall eliminate the eligibility of the building's lot as a Preservation Lot, and such lot, if it is the site of an unlawfully demolished Significant building, or Contributory Building from which TDR have been transferred, may not be developed in excess of the floor area ratio of the demolished building for a period of 20 years from the unlawful demolition. No department shall approve or issue a permit that would authorize construction of a structure contrary to the provisions of this section.

(b) A property owner may be relieved of the penalties provided in Subsection (a) if: (1) as to an unlawful alteration or demolition, the owner can demonstrate to the Zoning Administrator that the violation did not constitute a major alteration as defined in

Section 1111.1; or (2) as to an unlawful alteration, the owner restores the original distinguishing qualities and character of the building destroyed or altered, including exterior character-defining spaces, materials, features, finishes, exterior walls and exterior ornamentation. A property owner who wishes to effect a restoration pursuant to subsection (b)(2) shall, in connection with the filing of a building or site permit application, seek approval of the proposed restoration by reference to the provisions of this section. If the application is approved and it is determined that the proposed work will effect adequate restoration, the City Planning Commission shall so find. Upon such approval, and the completion of such work, the lot shall again become an eligible Preservation Lot and the limitation on floor area ratio set forth in subsection (a) shall not thereafter apply. The City Planning Commission may not approve the restoration unless it first finds that the restoration can be done with a substantial degree of success. The determination under this Subsection (b)(2) is a final administrative decision.

SEC. 1115. CONFORMITY WITH OTHER CITY PERMIT PROCESSES. Except where explicitly so stated, nothing in this Article shall be construed as relieving any person from other applicable permit requirements. The following requirements are intended to insure conformity between existing City permit processes and the provisions of this Article:

(a) Upon the designation of a building as a Significant or Contributory Building, or upon the designation of the Conservation District, the Zoning Administrator shall inform the Central Permit Bureau of said designation or, in the case of a Conservation District, of the boundaries of said District and a complete list of all the buildings within said District and their designations. The Central Permit Bureau shall maintain a current record of such Buildings and Conservation Districts.

(b) Upon receipt of any application for a building permit, demolition permit, site permit, alteration permit, or any other permit relating to a Significant or Contributory Building or a building within a designated Conservation District, the Central Permit Bureau shall forward such application to the Department of City Planning, except as provided in Section 1111. If the Zoning Administrator determines that the application is subject to provisions of this Article, processing shall proceed under the provisions of this Article. The Central Permit Bureau shall not issue any permit for construction, alteration, removal or demolition of any structure, or for any work involving a Significant or Contributory building or a building within a Conservation District unless either the Zoning Administrator has determined that such application is exempt from the provisions of this Article, or processing under this Article is complete and necessary approvals under this Article have been obtained. The issuance of any permit by a City department or agency that is inconsistent with any provision of this Article may be revoked by the Superintendent of the Bureau of Building Inspection pursuant to Section 303(e) of the San Francisco Building Code.

(c) No abatement proceedings or enforcement proceedings shall be undertaken by any department of the City for a Significant or Contributory building or a building within a Conservation District without, to the extent feasible, prior notification of the Department of City Planning. Such proceedings shall comply with the provisions of this Article where feasible.

SEC. 1116. UNSAFE OR DANGEROUS CONDITIONS. Where the Superintendent of the Bureau of Building Inspection or the Chief of the Bureau of Fire Prevention and Public Safety determines that a condition on or within a Significant or Contributory building is unsafe or dangerous and determines further that repair or other work rather than demolition will not threaten the public safety, said official shall, after consulting with the Department of City Planning, to the extent feasible, determine the measures of repair or other work necessary to correct the condition in a manner which, insofar as it does not conflict with state or local requirements, is consistent with the purposes and standards set forth in this Article.

SEC. 1117. MAINTENANCE REQUIREMENTS AND ENFORCEMENT THEREOF.

(a) Maintenance. The owner, lessee, or other person in actual charge of a Significant or Contributory building shall comply with all applicable codes, laws and regulations governing the maintenance of property. It is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of buildings designated Significant or Contributory, and the interior portions thereof when such maintenance is necessary to prevent deterioration and decay of the exterior. All such buildings shall be preserved against such decay and deterioration and free from structural defects through prompt corrections of any of the following defects:

1. Facades which may fall and injure members of the public or property.
2. Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports.
3. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration.
4. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.
5. Defective or insufficient weather protection for exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering.
6. Any fault or defect in the building which renders it not properly watertight or structurally unsafe.

(b) Enforcement Procedures. The procedures set forth in Building Code Section 203 governing unsafe buildings or property shall be applicable to any violations of this Section.

SEC. 1118. FILING FEES AND PROVISIONS FOR EXEMPTION. Fees under this section shall be collected by the Central Permit Bureau as follows:

(a) For each application for designation or change of designation of a Significant or Contributory building, the fee shall be \$500.

(b) For each application for designation or change of boundary of a Conservation District, the fee shall be \$500.

(c) An application for a permit for alteration of a Significant or Contributory building or building within a designated Conservation District which the Zoning Administrator has deemed minor as provided in Section 1111 or 1111.1 shall have no fee in addition to other fees which may be applicable.

(d) An application for a permit for alteration not deemed minor, as described in subsection (c) above, shall be \$100. This fee shall be in addition to any fee otherwise required for permits to alter or demolish; provided, however, that if the permit is for alteration of a Contributory Building located outside a Conservation District from which no TDR have been transferred, and the applicant elects to proceed without issuance of a permit pursuant to sections 1111 - 111.6, the fee shall be \$25.00.

(e) An application for a permit to demolish a Significant or Contributory building shall be \$500. This fee shall be in addition to any fee otherwise required for permits to alter or demolish. However, no fee in addition to that otherwise required for a demolition permit shall be charged for an application to demolish a Contributory building located outside a Conservation District from which no TDR have been transferred or a Category V building in a Conservation District from which no TDR have been transferred.

(f) For each application for a Statement of Eligibility, execution of a Certificate of Transfer, and Certification of Transfer of TDR pursuant to Section 128, the fee shall be \$200.

(g) For each application for a certification of transfer of TDR, the fee shall be \$200.

(h) For each permit application subject to Section 309 review, the fee shall be the same as an application for a conditional use permit.

(i) Exemption. Any organizations exempt from federal income taxes under Internal Revenue Code Section 501(c)(3) shall be exempt from paying the fees specified in this section.

SEC. 1119. ENFORCEMENT AND PENALTIES. The provisions of this Article 11 will be enforced and penalties for violations of the provisions of this Article 11 shall accrue in the manner provided in Section 1013 of Article 10 of this Code. The City Attorney may maintain an action for injunctive relief to cause, where possible, the complete or partial restoration or reconstruction of any building altered or demolished in violation of this Article, as well as the site of the building.

SEC. 1120. RELATIONSHIP TO ARTICLE 10. Buildings or areas within the C-3 District designated pursuant to the provisions of both Article 10 and Article 11 shall be regulated pursuant to the procedures of both Articles. In case of conflict, the more restrictive provision shall control.

Notwithstanding the rating of a building in a C-3 district pursuant to the provisions of Article 11, buildings may be designated as landmarks according to the provisions of Article 10.

Where an appeal is taken from a decision regarding alteration of a building which is both a landmark under Article 10 and a Significant or Contributory Building under Article 11, the appeal shall be taken to the Board of Supervisors pursuant to the provisions of Article 10.

SEC. 1121. NOTICE OF AMENDMENT. Notice of any hearing before the City Planning Commission, or, if no hearing, notice of the first hearing before the Board of Supervisors, of a proposed amendment to this article which materially alters the limitations and requirements applicable to any building or class of buildings shall be given to the owners of such buildings by mail.

SEC. 1122. NOTICE PROCEDURE. When any provision of this Article requires notice by mail to a property owner, the officer or body providing the notice shall use for this purpose the names and addresses as shown on the latest citywide Assessment Roll in the Assessor's Office.

SEC. 1123. TIME PROVISIONS. Unless otherwise indicated, all time provisions governing the taking of action by City officials are directory and not mandatory.

SEC. 1124. SEVERABILITY. If any part of this Article 11 is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Article 11 or any part thereof. The Board of Supervisors hereby declares that it would have passed all portions of this Article irrespective of the fact that any one or more portions be declared unconstitutional or invalid.

APPENDIX A TO ARTICLE 11
CATEGORY I BUILDINGS

<u>Address of Building</u>	<u>Block</u>	<u>Lot</u>	<u>Name of Building</u>
22 Battery	266	6	Postal Telegraph
98 Battery	266	8	Levi Strauss
99 Battery	267	1	Donahoe
100 Bush	267	4	Shell
130 Bush	267	9	Heineman
200 Bush	268	2	Standard Oil
225 Bush	289	1,7	Standard Oil
381 Bush	288	17	Alto
445 Bush	287	25	Pacific States
460 Bush	270	33	Fire Station No. 2
564 Bush	271	12	Notre Dame des Victoires
158 California	236	5	Marine
240 California	237	9	Tadich's Grill (Buich)
260 California	237	11	Newhall
301 California	261	1	Robert Dollar Bldg.
341 California	261	10A	Harold Dollar Bldg.
400 California	239	3	Bank of California
433 California	260	16	Insurance Exchange
465 California	260	15	Merchants Exchange
554 Commercial	228	22	
564 Commercial	228	23	
569 Commercial	228	11	PG&E Station J
119 Ellis	330	23	Continental Hotel
67 Fifth	3705	21,23	Pickwick Hotel
231 First	3737	23	
234 First	3736	6	Phillips
54 Fourth	3705	4	Keystone Hotel
150 Franklin	834	12	Whiteside Apts.
251 Front	237	1	DeBernardi's
2 Geary	310	6	
10 Geary	310	5	Schaidt
28 Geary	310	8	Rosenstock
108 Geary	309	4	Marion
120 Geary	309	5	E. Simon
132 Geary	309	6	Sacs
166 Geary	309	10	Whittell
285 Geary	314	12	St. Paul
293 Geary	314	11	Lincoln
301 Geary	315	1	Elkan Gunst
415 Geary	316	1A	Geary Theater
445 Geary	316	18A	Curran Theater
491 Geary	316	13	Clift Hotel
501 Geary	317	1	Bellvue Apt.
42 Golden Gate	343	2	Golden Gate Theater
200 Golden Gate	345	4	YMCA
1 Grant	313	8	Security Pacific Bank
17 Grant	313	7	Zobel
50 Grant	312	8	Ransohoff-Liebes
51 Grant	313	3	Eleanor Green
201 Grant	294	6	Shreve

<u>Address of Building</u>	<u>Block</u>	<u>Lot</u>	<u>Name of Building</u>
220 Grant	293	8	Phoenix
233 Grant	294	5	
301 Grant	286	5	Myers
311 Grant	286	4	Abramson
333 Grant	286	2	Home Telephone
334 Grant	287	17	Beverly Plaza Hotel
101 Howard	3740	1	Folger Coffee
657 Howard	3735	41	San Francisco News
1049 Howard	3731	74	
125 Hyde	346	3B	Rulf's File Exchange
16 Jessie	3708	22	One Ecker
1 Jones	349	3	Hibernia Bank
25 Kearny	310	4	O'Bear
49 Kearny	310	2	Rouillier
153 Kearny	293	2	Bartlett Doe
161 Kearny	293	1	Eyre
200 Kearny	288	11	
201 Kearny	287	8	
251 Kearny	287	1	Charleston
333 Kearny	270	2	Macdonough
344 Kearny	269	9	Harrigan Weidenmuller
346 Kearny	269	27PTN	
362 Kearny	269	27PTN	
222 Leidesdorff	228	6	PG&E Station J
1 Market	3713	6	Southern Pacific
215 Market	3711	18	Matson
245 Market	3711	14A	Pacific Gas & Electric
540 Market	291	1	Flatiron
562 Market	291	5	Chancery
576 Market	291	5B	Finance
582 Market	291	6	Hobart
660 Market	311	5	
673 Market	3707	51	Monadnock
691 Market	3707	57	Hearst
704 Market	312	10	Citizen's Savings
722 Market	312	9	Bankers Investment
744 Market	312	6	Wells Fargo
760 Market	328	1	Phelan
783 Market	3706	48	Humboldt
801 Market	3705	1	Pacific
835 Market	3705	43	Emporium
870 Market	329	5	Flood
901 Market	3704	1	Hale Brothers
938 Market	341	5	
948 Market	341	6	Mechanics Savings
982 Market	342	17	Warfield Theater
1000 Market	350	1	San Christina
1072 Market	350	4	Crocker Bank
1095 Market	3703	59	Grant
1100 Market	351	1	Hotel Shaw
1182 Market	351	22	Orpheum Theater
1301 Market	3508	1	Merchandise Mart
34 Mason	341	7	Rubyhill Vineyard

<u>Address of Building</u>	<u>Block</u>	<u>Lot</u>	<u>Name of Building</u>
191 Mason	331	6	Hotel Mason
120 Mason	330	13	Kowalsky Apts.
602 Mason	284	12	
83 McAllister	351	32	Methodist Book Concern
100 McAllister	348	6	Hastings Dormitory
132 McAllister	348	7	Argyle Hotel
447 Minna	3725	76	
54 Mint	3704	34	McElnoy
66 Mint	3704	12	Remedial Loan
1 Mission	3715	1	Audiffred
658 Mission	3707	20	
1018 Mission	3703	81	Kean Hotel
130 Montgomery	289	6	French Bank
149 Montgomery	288	1	Alexander
220 Montgomery	268	6-8	Mills
235 Montgomery	269	1	Russ
300 Montgomery	260	10	Bank of America
315 Montgomery	259	21	California Commercial Union
400 Montgomery	239	9	Kohl
405 Montgomery	240	3	Financial Center
500 Montgomery	228	13	American-Asian Bank
520 Montgomery	228	15	Paoli's
552 Montgomery	228	28,29	Bank of America
116 Natoma	3722	6	N. Clark
147 Natoma	3722	13	Underwriter Fire
39 New Montgomery	3707	35	Sharon
74 New Montgomery	3707	33	Call
79 New Montgomery	3707	14	
116 New Montgomery	3722	71	Rialto
134 New Montgomery	3722	8	Pacific Telephone
201 Ninth	3729	82	
20 O'Farrell	313	10	Kohler-Chase
235 O'Farrell	326	18	Hotel Barclay
301 Pine	268	1	Pacific Stock Exchange
333 Pine	268	16	Chamber of Commerce
348 Pine	260	8	Dividend
57 Post	311	13	Mechanic's Institute
117 Post	310	22	O'Connor Moffat
126 Post	293	5	Rochat Cordes
165 Post	310	20	Rothchild
175 Post	310	19	Liebes
180 Post	293	7	Hastings
201 Post	309	1	Head
225 Post	309	27	S. Christian
275 Post	309	22	Lathrop
278 Post	294	11	Joseph Fredericks
340 Post	295	5	Bullock & Jones
442 Post	296	8	Chamberlain
450 Post	296	9	Elk's Club
470 Post	296	10	Medico-Dental
491 Post	307	9	1st Congregational Church
524 Post	297	5	Olympic Club
600 Post	298	6	Alvarado Hotel

<u>Address of Building</u>	<u>Block</u>	<u>Lot</u>	<u>Name of Building</u>
1 Powell	330	5	Bank of America
200 Powell	314	7	OmaR Khayyam's
301 Powell	307	1	St. Francis Hotel
432 Powell	295	8	Sir Francis Drake
433 Powell	296	5	Chancellor Hotel
449 Powell	296	1	Foetz
540 Powell	285	9	Elk's Club Old
114 Sansome	267	10	Adam Grant
200 Sansome	261	7	American International
201 Sansome	260	5	Royal Globe Insurance
221 Sansome	260	4	
231 Sansome	260	3	TC Kierloff
233 Sansome	260	2	Fireman's Fund
343 Sansome	239	2	Crown Zellerbach
400 Sansome	229	3	Federal Reserve
401 Sansome	228	4	Sun
407 Sansome	228	3	
121 Second	3721	71	Rapp
132 Second	3722	3	
141 Second	3721	50	
6 Seventh	3702	1	Odd Fellow's
106 Sixth	3726	2	
201 Sixth	3732	124	Hotel Argonne
111 Stevenson	3707	44	Palace Garage
46 Stockton	328	4	J. Magnin
101 Stockton	314	2	Macy's
234 Stockton	309	20	Schroth's
600 Stockton	257	12	Metropolitan Life Ins. Co.
108 Sutter	288	7	French Bank
111 Sutter	292	1	Hunter-Dulin
130 Sutter	288	27	Hallidie
216 Sutter	287	9	Rose
255 Sutter	293	9	White House
256 Sutter	287	11	Sather
266 Sutter	287	12	Bemiss
301 Sutter	294	1	Hammersmith
312 Sutter	286	7	Nutall
391 Sutter	294	15	Galen
445 Sutter	295	10PTN	Pacific Gas & Electric
447 Sutter	295	10PTN	Pacific Gas & Electric
450 Sutter	285	6	Medical-Dental
500 Sutter	284	4	Physician's
609 Sutter	297	1	Marines Memorial
620 Sutter	283	4A	
640 Sutter	283	22	Metropolitan
403 Taylor	317	3	Hotel California
624 Taylor	297	7	Bohemian Club
701 Taylor	282	4A	
2 Turk	340	4	Oxford Hotel
11 Van Ness	834	4	Masonic Temple

APPENDIX B TO ARTICLE 11
CATEGORY II BUILDINGS

Note: The gross floor area of a number of these buildings exceeds the basic FAR allowed in Section 124 of this Code. Additions to these buildings would be allowed only to the extent permitted by Section 128(e)(2).

* Portion of lot on which an Addition to Height Visible when viewing the Principal Facades is not permitted (in feet from property line at street in first column)

** Reference Point for Establishing limitation on height addition

<u>Address</u>	<u>Block</u>	<u>Lot</u>	<u>Name of Building</u>	<u>Lot Depth</u>	<u>Portion*</u>	<u>Reference Point**</u>
350 Bush	269	3	SF Mining Exchange	137.5	60	View of Russ Bldg courtyard
430 Bush	270	34		170	77.6	408 Grant
530 Bush	271	27PTN	SF Environmental Center	137.5	67.5	500 Bush
24 California	235	9	Marvin	137.5	77.5	13 Drumm
230 California	237	8	Hind	127.5	62	260 California
244 California	237	10	Welch	127.5	62	260 Calif lot configuration
166 Embarcadero	3715	7	YMCA	137.5	50	Building Configuration
450 Geary	306	7A	Sussex	137.5	60	468 Geary
458 Geary	306	7B		137.5	60	468 Geary
255 Golden Gate	348	17	KGO	97.5	57.5	261 Golden Gate
631 Howard	3735	5	William Volker Bldg.	165	82.5	613-617 Howard
835 Howard	3733	84	Dettmers Printing	155	80	855 Howard
1035 Howard	3731	94	Eng Skell	280	115	Building Configuration
1126 Howard	3727	14		185	90	1122 Howard
123 Kearny	293	3	Young	108	67	161 Kearny
633 Market	3707	52	Palace Hotel	344	All but SW corner	original building
725 Market	3706	62	Bancroft	170	100	711, 721 Market
735 Market	3706	61	Carroll & Tilton	170	100	711, 721 Market
825 Market	3705	37	Commercial	350	145	801 Market
973 Market	3704	69	Wilson	170	90	991 Market
979 Market	3704	68	Hale Bros.	170	90	991 Market
1019 Market	3703	76	Eastern Outfitting	170	90	1023 Market
1059 Market	3703	65	Ede	170	90	1043 Market
1067 Market	3703	63	Lippert	170	90	1043 Market
1215 Market	3701	59	San Franciscan Hotel	275	170	lot configuration
414 Mason	307	8	Native Sons	137.5	92	386 Geary
810 Mission	3507	7	S.F. Bulletin	160	90	826 Mission
816 Mission	3705	8		160	90	826 Mission
959 Mission	3725	87	Calif. Casket Co.	160	80	987 Mission, lot configuration
1235 Mission	3728	89PTN	Magrue & Otter	160	80	1201 Mission
50 Oak	834	5	Young Mens Inst.	120	80	lot configuration
332 Pine	260	6	Orient	137.5	65	308 Pine
150 Post	293	6	Jewelers Bldg.	137.5	80	200 Kearny, lot Configuration
246 Post	294	9	Gumps	122.5	70	272 Post
555 Post	306	20	Press Club	137.5	75	569 Post
17 Powell	330	4	Powell Hotel	175	75	45 Powell, 57 Powell
135 Powell	326	3	Walgreens	137.5	75	111 Powell
54 Sutter	288	10	Central Realty	120	60	200 Kearny
250 Sutter	287	10	Goldberg Bowen	120	60	256 Sutter, lot Configuration
532 Sutter	284	7	Christian Science Ch.	137.5	87.5	576 Sutter
562 Sutter	284	10	Hotel Regent	137.5	87.5	576 Sutter
525 Sutter	297	14	Academy of Art	137.5	87	lot configuration

APPENDIX C TO ARTICLE 11
CATEGORY III BUILDINGS

<u>Address of Building</u>	<u>Block</u>	<u>Lot</u>	<u>Name of Building</u>
566 Bush	271	24	Notre Dame des Victoires Rectory
608 Commercial	277	48	Original U.S. Mint & Subtreasury
33 Drumm	235	5	
42 Fell	814	10	
342 Howard	3719	8	
667 Howard	3735	39	
1097 Howard	3731	42	Blindcraft
1234 Howard	3728	14	Guilfoy Cornice
703 Market	3706	1	Central Tower
1083 Market	3703	61	
1582 Market	836	10	Miramar Apts.
615 Sacramento	240	14	Jack's Restaurant
32 Sixth	3703	4	Seneca Hotel
83 Stevenson	3708	34	Calif. Farmer
72 Tehama	3736	91	Brizard and Young
1 UN Plaza	351	37	J.S. Godau
41 Van Ness	834	22PTN	

APPENDIX D TO ARTICLE 11
CATEGORY IV BUILDINGS

<u>Address of Building</u>	<u>Block</u>	<u>Lot</u>	<u>Name of Building</u>
28 Belden	269	14	
40 Belden	269	15	
52 Belden	269	18	
364 Bush	269	4	Sam's Grill
380 Bush	269	5	Shasta Hotel
415 Bush	287	23	
429 Bush	287	22	
447 Bush	287	20	Hansa Hotel
461 Bush	287	18	Mfg. Jeweler's
507 Bush	286	1	St. Charles Hotel
515 Bush	286	22	Terbush
553 Clay	228	32	
559 Clay	228	31	
61 Ellis	329	6	John's Grill
111 Ellis	330	1	Powell
120 Ellis	326	5	Misses Butler
222 Front	236	6	
235 Front	237	4	
236 Front	236	8	Shroeder
239 Front	237	2	
246 Front	236	9	
250 Front	236	10	
66 Geary	310	12	Hotel Graystone
88 Geary	310	13-15	Cailleau
100 Geary	309	3	Granat Brothers

<u>Address of Building</u>	<u>Block</u>	<u>Lot</u>	<u>Name of Building</u>
101 Geary	313	1	Paragon
129 Geary	313	16	
146 Geary	309	7	
152 Geary	309	8	
156 Geary	309	9	
251 Geary	314	14	Werner
347 Geary	315	22	Hotel Stewart
366 Geary	307	6	Rosebud's English Pub
381 Geary	315	20A	
418 Geary	306	6	Paisley Hotel
436 Geary	306	7	Somerton Hotel
459 Geary	316	18	
468 Geary	306	8	Hotel David
476 Geary	306	9	
484 Geary	306	11	
490 Geary	306	12	
39 Grant	313	5	
59 Grant	313	2	Livingston Brothers
100 Grant	310	13	
166 Grant	310	17	
251 Grant	294	3	
255 Grant	294	2	Hotel Baldwin
321 Grant	286	3	
45 Kearny	310	3	
209 Kearny	287	7	
215 Kearny	287	6	
219 Kearny	287	5	Oscar Luning
227 Kearny	287	4	
240 Kearny	288	14	
246 Kearny	288	25	
260 Kearny	288	16	
315 Kearny	270	5	Marston
325 Kearny	270	3	
334 Kearny	269	7	
353 Kearny	270	1	
358 Kearny	269	11	
215 Leidesdorff	228	10	Hotel Stanford
118 Maiden Lane	309	16	
177 Maiden Lane	309	12	
601 Market	3707	1	Lloyd
609 Market	3707	2A	
623 Market	3707	59	
300 Mason	315	16	Santa Fe
334 Mason	315	17	Metropolis Trust
425 Mason	306	2	Hotel Virginia
542 Mason	296	12A	King George Hotel
609 Mission	3722	1	S.F. Water Dept.
617 Mission	3722	73	St. Francis Apts.
540 Montgomery	228	24	Stevenson
111 New Montgomery	3722	72	Koracorp
137 New Montgomery	3722	7	Bank of America
170 New Montgomery	3722	22	Standard
180 O'Farrell	314	6	Furniture Exchange
			St. Moritz Hotel

<u>Address of Building</u>	<u>Block</u>	<u>Lot</u>	<u>Name of Building</u>
238 O'Farrell	315	10	Spaulding Hotel
272 O'Farrell	315	14	
280 O'Farrell	315	15	
340 Pine	260	7	Selsbach and Deans
358 Pine	260	9	Phoenix
369 Pine	268	12	Exchange Block
485 Pine	269	20	
216 Post	294	7	Guggenheim
228 Post	294	8	Gumps-E. Arden
233 Post	309	17	Graff
251 Post	309	24	Mercedes
272 Post	294	10	
438 Post	296	7	St. Andrew
545 Post	306	22	Hotel Cecil
620 Post	298	7	J.J. Moore Apts.
624 Post	298	8	
45 Powell	330	2	
100 Powell	327	12	Hotel Golden State
111 Powell	326	4	
120 Powell	327	13	
134 Powell	327	22	Elevated Shops
151 Powell	326	2	Hotel Herbert
201 Powell	315	3,6-9	Manx Hotel
207 Powell	315	4	Howard
226 Powell	314	9	
235 Powell	315	2	
236 Powell	314	10	Hotel Stratford
421 Powell	296	6	United Airlines
435 Powell	296	14PTN	
439 Powell	296	14PTN	
445 Powell	296	2	
558 Sacramento	228	9	
560 Sacramento	228	10	
568 Sacramento	228	11	PG&E Station J
576 Sacramento	228	12	Potter
415 Sansome	228	2	Fugazi Bank
20 Second	3707	2	Schwabacher
36 Second	3707	4	Morgan
42 Second	3707	5	
48 Second	3707	6	Kentfield & Esser
52 Second	3707	7	
60 Second	3707	8	
70 Second	3707	9	
76 Second	3707	10	
90 Second	3707	12	
120 Second	3722	2	
133 Second	3721	51	Morton L. Cook
144 Second	3722	4	
149 Second	3721	49	
156 Second	3722	5	Jackson
163 Second	3721	48	Marcus Modry
165 Second	3721	25	Electrical
168 Second	3722	16	

<u>Address of Building</u>	<u>Block</u>	<u>Lot</u>	<u>Name of Building</u>
182 Second	3722	19	Barker, Knickerbocker, & Bostwick
216 Stockton	309	13	
222 Stockton	309	14	A.M. Robertson
334 Stockton	294	13PTN	Drake-Wiltshire Hotel Annex
340 Stockton	294	13PTN	Drake-Wiltshire Hotel
417 Stockton	285	4	All Seasons Hotel
427 Stockton	285	3	
171 Sutter	292	9	
307 Sutter	294	23	Orpheus
310 Sutter	286	6	
315 Sutter	294	22	Newbegin
323 Sutter	294	21	Hotel Alamo
345 Sutter	294	19	
371 Sutter	294	16	Nathalie Nicoli
400 Sutter	285	5PTN	McCloud
524 Sutter	284	6	Cartwright
535 Sutter	296	13C	Westphal
540 Sutter	284	8	John Simmons
547 Sutter	296	13B	Lowell
559 Sutter	296	13A	
575 Sutter	296	13	
595 Sutter	296	12B	Francisca Club
635 Sutter	297	13	Hotel Beresford
655 Sutter	297	12	
679 Sutter	297	10	
680 Sutter	283	7	
690 Sutter	283	8	
693 Sutter	297	9	
701 Sutter	298	1	
717 Sutter	298	34	Hotel DeLuxe
420 Taylor	316	10	NBC/KBHK
615 Taylor	298	5	Taylor Hotel
621 Taylor	298	4	Winterburn Hotel
625 Taylor	298	3	Eisenberg Apts.
627 Taylor	298	2	Hawthorne Apts.

APPENDIX E TO ARTICLE 11
KEARNY-MARKET-MASON-SUTTER CONSERVATION DISTRICT

SEC. 1. Findings and Purposes.

It is hereby found that the area known and described in this appendix as the Kearny - Market - Mason - Sutter Street area is a subarea within the C-3 District that possesses concentrations of buildings that together create a subarea of architectural and environmental quality and importance which contributes to the beauty and attractiveness of the City. It is further found that the area meets the standards for designation of a conservation district as set forth in Section 1103 of Article 11 and that the designation of said area as a Conservation District will be in furtherance of and in conformance with the purposes of Article 11 of the City Planning Code.

This designation is intended to promote the health, safety, prosperity and welfare of the people of the City through the effectuation of the purposes set forth in Section 1101 of Article 11 and the maintenance of the scale and character of the Kearny - Market - Mason - Sutter area by:

(a) The protection and preservation of the basic characteristics and salient architectural details of structures insofar as these characteristics and details are compatible with the Conservation District;

(b) Providing scope for the continuing vitality of the District through private renewal and architectural creativity, within appropriate controls and standards. It is intended to foster a climate in which the Kearny - Market - Mason - Sutter District may continue as the prime Bay Area retail district and a center for tourists from around the country and the world.

(c) The maintenance of an identity separate from the financial district by maintaining the relatively small scale and sunlit sidewalks and open spaces.

SEC. 2. Designation. Pursuant to Section 1103.1 of Article 11, of the City Planning Code (Part II, Chapter II of the San Francisco Municipal Code), the Kearny - Market - Mason - Sutter area is hereby designated as a Conservation District.

SEC. 3. Location and Boundaries. The location and boundaries of the Kearny - Market - Mason - Sutter Conservation District shall be as designated on the Kearny - Market - Mason - Sutter Conservation District Map, the original of which is on file with the Clerk of the Board of Supervisors under File No. 223-84-4, which Map is hereby incorporated herein as though fully set forth and a facsimile of which is reproduced herein below.

SEC. 4. Relation to City Planning Code.

(a) Article 11 of the City Planning Code is the basic law governing preservation of buildings and districts of architectural importance in the C-3 District of the City and County of San Francisco. This appendix is subject to and in addition to the provisions thereof.

(b) Except as may be specifically provided to the contrary in this Code, nothing in this appendix shall supersede, impair or modify any City Planning Code provisions applicable to property in the Kearny - Market - Mason - Sutter Conservation District, including, but not limited to, regulations controlling uses, height, bulk, coverage, floor area ratio, required open space, off-street parking and signs.

SEC. 5. Justification. The characteristics of the Conservation District justifying its designation are as follows:

(a) History of the District. Since the Kearny-Market-Mason-Sutter district covers a large area, individual streets within the district have had unique histories which have often changed dramatically over time. Maiden Lane (originally called Morton Street) was once the site of numerous houses of prostitution. Yet, after the fire and the opening of

nearby department stores the renamed Union Square Avenue became the service entrance for those stores. In time, restaurants and retail stores opened, paving the way for the emergence of Maiden Lane as an exclusive retail address. Similarly, before the earthquake Powell Street, home to many theaters and restaurants, was known as the "uptown tenderloin". In the 1920's, the opening of numerous hotels and retail stores led to a gradual change of character on the street.

These changing land use patterns were in part determined by the movement of high quality retail stores. Throughout the years, the closing or movement of larger department stores has often provided new space for smaller stores, and has strongly influenced their locations. The best known stores of the retail district were located on Kearny Street in the 1870's and 1880's. The growth of the City, due in part to the introduction of cable car service, led to the movement of the retail district towards both Market Street and the Grant Avenue/Union Square area. Beginning in the 1880's, department stores such as the Emporium and Hale Brothers opened large stores on Market Street. However, the large width of Market Street and its distance from high income residential neighborhoods on Nob Hill hindered its further development as a high class retail district. By the 1920's, Market Street had become San Francisco's family shopping street.

The prominence of the Grant Avenue/Union Square retail area as an exclusive shopping district was assured when I. Magnin (originally on Third Street) moved from Market Street to the corner of Grant Avenue and Geary Street. The location of the City of Paris at the corner of Geary and Stockton Streets across from Union Square firmly established Union Square as the most desirable location in the retail district. I. Magnin eventually moved to a building across from Union Square and O'Connor Moffat (now Macys) located at the corner of Geary and Stockton Streets. A side effect of the development of Union Square as a retail district was the displacement of many medical and dental offices by beauty parlors and restaurants catering to the new retail trade. Since the 1920's, Lower Grant Avenue and the Union Square area have been the City's premier shopping district.

Concurrent with the development of Grant Avenue/Union Square as a retail district were the relocations of the hotel and theater districts. By the 1890's, the theater district relocated from Bush Street (between Grant and Kearny) to the area west of Union Square. Whereas hotels were once clustered at the intersection of Montgomery and Market Streets, after the 1906 fire most hotels also moved to the area west of Union Square. The establishment of the St. Francis Hotel on the west side of the square was a major impetus to the hotel relocation. Before the fire, this area had been the site of many household goods establishments.

(b) Basic Nature of the District. The pattern of development is one of small scaled, light colored buildings predominantly four to eight stories in height. The height and scale provide for a streetscape which is attractive to the pedestrian because of the comfortable scale and sunlit sidewalks. This dense area is the heart of San Francisco's retail and tourist sectors, containing a concentration of fine shops, department stores, theaters, hotels, and restaurants. As such, it is one of the main attractions to tourists from around the country and world, as well as the prime retail district in the Bay Area. The district is further defined by the location of Union Square in its heart. This square is, in many ways, the premier public open space in the City, as well as a primary public forum.

(c) Architectural Character. The character of the area is determined by the many fine quality structures, among the best in the City, and supported by a number of contributory buildings. Since the entire area was built in less than twenty years, and the major portion in less than ten years, buildings were constructed in similar styles and structural technology. Perhaps even more importantly, architects were of like backgrounds, schooled in the classical Beaux Arts tradition.

In addition to their individual architectural features, the scale and design of buildings in the district related very well with neighboring buildings, streets and open spaces. This effect was achieved in large part by the alignment of cornice and belt course lines. The buildings used compatible detailing, colors, materials, massing, and scale. Ornament was

derived from Classical, Renaissance, Gothic, and Romanesque sources. In a limited number of examples, ornament was developed from early Spanish Colonial models.

(d) Uniqueness and Location. The District's character, although it has many buildings of recent vintage, is largely intact. It is one of the few homogenous collections of early Twentieth Century commercial architecture of its type in the United States. Of a total of 324 buildings in this District, 114 are architecturally significant and 140 are contributory. Only 98 buildings are not rated. Union Square, an integral part of the District, is a unique resource and ranks with the finest open spaces in the country. The area is centrally located and easily accessible to the Financial District, Nob Hill, the Tenderloin, and the South of Market, as well as outlying districts of the City. The Powell Street Cable Car lines is a unique feature which relates the area to the entire northeastern quadrant of the City and attracts tourists to the area.

(e) Visual and Functional Unity. The character of the area is determined by a series of buildings whose compositions and use of materials and ornament are complementary, as well as by the regular street pattern which creates interesting views and vistas down the streets. Within the district, several subareas increase the variety and complexity of the district while retaining its essential architectural character.

(f) Dynamic Continuity. The district is the center of San Francisco's retail market and is constantly responding to new trends and needs. The area has seen the recent opening of two major department stores and, in addition, many new small stores. Indeed, much of the pedestrian interest so important to the District is a result of the ever-changing shop windows and stores.

(g) Benefits to the City and its Residents. The district provides a wide range of benefits to both the City and its residents. Much of the retailing area's vitality is attributable to its physical character. The mix of shops and unique buildings is not duplicated in suburban shopping malls, and, because of this, the area attracts shoppers from around the Bay Area. The district is a prime destination for tourists and is therefore an important part of San Francisco's image. The prevailing architectural character is an important legacy from the Beaux Arts tradition and contains many fine examples of commercial architecture.

SEC. 6. Features. The exterior architectural features of the Kearny - Market - Mason - Sutter Conservation District are as follows:

(a) Massing and Composition. The compositions of the building facades reflect the different architectural functions of the building. For the most part, building facades in the district are two- or three-part vertical compositions consisting either of a base and a shaft, or a base, a shaft and a capital. In more elaborate designs, transitional stories create a stacked composition, but the design effect is similar.

In addition, the facade of a building is often divided into bays expressing the structure (commonly steel and reinforced concrete) beneath the facade. This was accomplished through fenestration, structural articulation or other detailing which serves to break the facade into discrete segments. A common compositional device in the district is an emphasis placed upon either the end bays or the central bay.

The massing of the structures is usually a simple vertically oriented rectangle with a ratio of width to height generally from 1:2 to 1:4. This vertically oriented massing is an important characteristic of the district. In addition, continuous streetwall heights are a characteristic of most blockfronts.

Almost without exception, the buildings in the Kearny-Market-Mason-Sutter Conservation District are built to the front property line and occupy the entire site. Where buildings have not followed this rule, they do not adequately enclose the street. The massing of structures often reflects unique or prominent site characteristics. Corner buildings often have rounded corner bays to express the special requirements of the site and to tie its two blockfronts together.

(b) Scale. The buildings are of small to medium scale. The bay width is generally from 20' to 30'. Heights generally range from four to eight stories on lots 40' to 80' wide.

although a number of taller buildings exist. The wider frontages are often broken up by articulation of the facade, making the buildings appear narrower. The base is generally delineated from the rest of the building giving the district an intimate scale at the street.

(c) Materials and Colors. Buildings are usually clad in masonry materials over a supporting structure. The cladding materials include terra cotta, brick, stone, and stucco. Wood, metal, and metal panels are not facade materials, although painted wood and metal are sometimes used for window sash and ornament.

The materials are generally colored light or medium earth tones, including white, cream, buff, yellow, and brown. Individual buildings generally use a few different tones of one color.

To express the mass and weight of the structure, masonry materials are used on multi-dimensional wall surfaces with texture and depth, which simulates the qualities necessary to support the weight of a load-bearing wall.

(d) Detailing and Ornamentation. This area has been the heart of the retail district since it was reconstructed after the fire. Buildings use the expression of texture and depth on masonry material (e.g., rustication, deep window reveals) to simulate the appearance of load bearing walls. The buildings are not constructed in a single style, but with ornament drawn from a variety of historical sources, primarily Classical and Renaissance. Gothic detailing is also well represented. Popular details include, arches, columns, pilasters, projecting bracketed cornices, multiple belt courses, elaborate lintels and pediments, and decorated spandrels. Details were used to relate buildings to their neighbors by repeating and varying the ornament used in the surrounding structures.

SEC. 7. Standards and Guidelines for Review of New Construction and Certain Alterations.

(a) All construction of new buildings and all major alterations, which are subject to the provisions of Sections 1110, 1111-1111.16 and 1113, shall be compatible with the District in general with respect to the building's composition and massing, scale, materials and colors, and detailing and ornamentation, including those features described in Section 6 of this appendix. Emphasis shall be placed on compatibility with those buildings in the area in which the new or altered building is located. In the case of major alterations, only those building characteristics that are affected by the proposed alteration shall be considered in assessing compatibility. Signs on buildings in conservation districts are subject to the provisions of Section 1111.7.

The foregoing standards do not require, or even encourage, new buildings to imitate the styles of the past. Rather, they require the new to be compatible with the old. The determination of compatibility shall be made in accordance with the provisions of Section 309.

(b) The guidelines in this subsection are to be used in assessing compatibility.

1. Composition and Massing. Although the District is quite large and contains a wide variety of building forms, new construction should maintain its essential character by relating to the prevailing height, mass, proportions, rhythm and composition of existing Significant and Contributory buildings. The height and massing of new buildings should not alter the traditional scale of existing buildings, streets and open spaces. In addition to the consideration of sunlight access for the street, an appropriate streetwall height is established by reference to the prevailing height of the buildings on the block and especially that of adjacent buildings. If the adjacent buildings are of a significantly different height than the rest of the buildings on the block, then the prevailing height of buildings on the block should be used as a guide. A setback at the streetwall height can permit additional height above the setback without breaking the continuity of the street wall.

Most existing buildings are built to the property or street line. This pattern, except in the case of carefully selected open spaces, should not be broken since it could damage the continuity of building rhythms and the definitions of streets.

The standard proportions of new buildings should be established by the prevailing

streetwall height and width of lots. To ensure that an established set of proportions is maintained, it is necessary to break up the facades of new buildings into smaller sections that relate to those existing proportions. The use of smaller bays and multiple entrances are two ways of relating the rhythm of a new building with those of historic buildings.

The design of a new structure should repeat the prevailing pattern of two- and three-part vertical compositions. A base element is necessary to define the pedestrian environment. This division of a building allows flexibility in the design of the ground story while encouraging a uniform treatment of the upper stories.

2. Scale. A major influence on scale is the degree to which the total facade plane is broken into smaller parts (by detailing, fenestration, bay widths) which relate to human scale. While department stores and hotels are of a medium scale, the traditional pattern for the district has consisted of small scale buildings. The existing scale of the buildings in the vicinity should be maintained. This can be accomplished in a variety of ways, including: a consistent use of size and complexity of detailing in regards to surrounding buildings, continuance of existing bay widths, maintenance of an existing streetwall height, and incorporation of a base element (of similar height) to maintain the pedestrian environment. Large wall surfaces, which increase a building's scale, should be broken up through the use of detailing and textural variation.

Existing fenestration (windows, entrances) rhythms and proportions which have been established by lot width or bay width should be repeated in new structures. The spacing and size of window openings should follow the sequence set by Significant and Contributory structures. Large glass areas should be broken up by mullions so that the scale of glazed areas is compatible with that of neighboring buildings. Casement and double-hung windows should be used where possible.

3. Materials and Colors. The use of like materials can relate two buildings of obviously different eras and styles. Similarly, the use of materials that appear similar (such as substituting concrete for stone) can link two disparate structures, or harmonize the appearance of a new structure with the architectural character of a conservation district. The preferred surface materials for this district are brick, stone, and concrete (simulated to look like terra cotta or stone).

The texture of surfaces can be treated in a manner so as to emphasize the bearing function of the material, as is done in rustication on historic buildings.

Traditional light colors should be used in order to blend in with the character of the district. Dissimilar buildings may be made more compatible by using similar or harmonious colors, and to a lesser extent, by using similar textures.

4. Detailing and Ornamentation. A new building should relate to the surrounding area by picking up elements from surrounding buildings and repeating them or developing them for new purposes. Since the District has one of the largest collections of finely ornamented buildings in the City, these buildings should serve as references for new buildings. Detailing of a similar shape and placement can be used without directly copying historical ornament. The new structure should incorporate prevailing cornice lines or belt courses and may also use a modern vernacular instead of that of the original model.

SEC. 8. TDR; Eligibility of Category V Buildings. Category V buildings in that portion of the Kearny - Market - Mason - Sutter Conservation District which is in the C-3-O use district as shown on Sectional Map 1 of the Zoning Map are eligible for the transfer of TDR as provided in Section 1109(c).

APPENDIX F TO ARTICLE 11 NEW MONTGOMERY - SECOND STREET CONSERVATION DISTRICT

SEC. 1. Findings and Purposes.

It is hereby found that the area known and described in this appendix as the New Montgomery - Second Street area is a subarea within the C-3 District, that possesses

concentrations of buildings that together create a subarea of architectural and environmental quality and importance which contributes to the beauty and attractiveness of the City. It is further found that the area meets the standards for designation of a conservation district as set forth in Section 1103 of Article 11 and that the designation of said area as a Conservation District will be in furtherance of and in conformance with the purposes of Article 11 of the City Planning Code.

This Designation is intended to promote the health, safety, prosperity and welfare of the people of the City through the effectuation of the purposes set forth in Section 1101 of Article 11 and the maintenance of the scale and character of the New Montgomery - Second Street area by:

(a) The protection and preservation of the basic characteristics and salient architectural details of structures insofar as these characteristics and details are compatible with the Conservation District;

(b) Providing scope for the continuing vitality of the District through private renewal and architectural creativity within appropriate controls and standards.

(c) Preservation of the scale and character of the District separate from the prevailing larger scale of the financial district and permitted scale in the new Special Development District.

SEC. 2. Designation. Pursuant to Section 1103.1 of Article 11 of the City Planning Code (Part II, chapter XI of the San Francisco Municipal Code, the New Montgomery - Second Street area is hereby designated as a Conservation District.

SEC. 3. Location and Boundaries. The location and boundaries of the New Montgomery - Second Street Conservation District shall be as designated on the New Montgomery - Second Street Conservation District Map, the original of which is on file with the Clerk of the board of Supervisors under File 223-84-4, which Map is hereby incorporated herein as though fully set forth, and a facsimile of which is reproduced herein below.

SEC. 4. Relation to City Planning Code.

(a) Article 11 of the City Planning Code is the basic law governing preservation of buildings and districts of architectural importance in the C-3 District of the City and County of San Francisco. This appendix is subject to and in addition to the provisions thereof.

(b) Except as may be specifically provided to the contrary, nothing in this appendix shall supersede, impair or modify any City Planning Code provisions applicable to property in the New Montgomery - Second Street Conservation District including, but not limited to, regulations controlling uses, height, bulk, coverage, floor area ratio, required open space, off-street parking and signs.

SEC. 5. Justification. The characteristics of the Conservation District justifying its designation are as follows:

(a) History of the District. This corridor forms one of the earliest attempts to extend the uses of the financial and retail districts to the South of Market area. Since Montgomery Street was the most important commercial street in the 1870's, New Montgomery Street was planned as a southern extension from Market Street to the Bay. Opposition from landowners south of Howard Street, however, prevented the street from reaching its original bayside destination. William Ralston, who was instrumental in the development of the new street, built the Grand Hotel and later the Palace Hotel at its Market Street intersection. A wall of large hotels on Market Street, actually hindered the growth of New Montgomery Street and few retail stores and offices ventured south of Market Street. The unusually wide width of Market Street acted as a barrier between areas to the north and south for many years.

A small number of office buildings were built on New Montgomery Street as far south

as Atom Alley (now Natoma Street) after the fire. Many buildings were completed in 1907, and most of the street assumed its present character by 1914. At 74 New Montgomery Street, the Call newspaper established its first headquarters. A noteworthy addition to the streetscape was the Pacific Telephone and Telegraph Building. At the time of its completion in 1925, it was the largest building on the West Coast devoted to the exclusive use of one firm. Until the 1960's, the office district on New Montgomery Street was the furthest extension of the financial district into the South of Market area. More characteristic were warehouses and businesses which supported the nearby office district. For example, the Furniture Exchange at the northwest corner of New Montgomery and Howard Streets, completed in 1920, was oriented to other wholesale and showroom uses along Howard Street.

One block to the east, Second Street had a different history from New Montgomery Street. The future of Second Street as an extension of the downtown depended upon the southward extension of the street through the hill south of Howard Street. At one time there was even a proposal to extend Second Street north in order to connect with Montgomery Street. The decision to extend Montgomery Street south rather than Second Street north due to the high cost of the Second Street Cut, however, discouraged retail and office growth on the street. As a result, by the 1880's Second Street was established as a wholesaling rather than retail or office area. In the 1920's, Second Street contained a wide mixture of office support services. These included printers, binderies, a saddlery, a wholesale pharmaceutical outlet, and a variety of other retail stores and smaller offices. Industrial uses were commonly located on the alleyways such as Minna and Natoma and on Second Street, south of Howard Street.

(b) Basic Nature of the District. New Montgomery Street is characterized by large buildings that often occupy an entire section of a block defined by streets and alleys or a major portion of these sub-blocks. The buildings are of a variety of heights, but the heights of most of the buildings range from five to eight stories. Second Street is characterized by smaller, less architecturally significant buildings, but, because of their continuous streetwall, they form a more coherent streetscape. Without some sort of protection for the less significant buildings, the quality of the district would be lost due to pressure from the expanding office core.

(c) Architectural Character. Although the scale and size of the structures on New Montgomery Street are somewhat monumental, the area remains attractive for pedestrians. The street has a number of outstanding buildings concentrated on New Montgomery, such as the Palace Hotel, the Pacific Telephone tower, and the Sharon Building. The styles range from the Gothic skyscraper massing and Art Deco detailing of the Pacific Telephone and Telegraph Building to the Renaissance Palazzo style of the Palace Hotel. The primary building materials are earthenware bricks, stone, or terra cotta with ornamental details executed in a variety of materials including terra cotta, metal, stucco, and stone.

Second Street has a smaller, more intimate scale. While on New Montgomery Street, buildings typically occupy an entire sub-block, on Second Street, three or four small buildings will occupy the same area. The buildings are generally mixed-use office and retail structures, three to five stories in height, with Renaissance-influenced ornament.

The two streets are unified by several elements, including an architectural vocabulary which draws from similar historical sources, similar materials, scale, fenestration, color, stylistic origins, texture, and ornament.

(d) Uniqueness and Location. The District is located close to the central core of the financial district and is adjacent to an area projected for the future expansion. It is one of the few architecturally significant areas remaining largely intact in the South of Market area.

(e) Visual and Functional Unity. The District has a varied character ranging from the small and intimate on the alley streets to a more monumental scale on New Montgomery. In spite of this wide range, the district forms a coherent entity due to the buildings' common architectural vocabulary and the rhythm of building masses created by

the District's intersecting alleys.

(f) Dynamic Continuity. The District is an active part of the downtown area, and after some years of neglect is undergoing re-investment, which is visible in the rehabilitation of the Pacific Telephone Building, and the repair and rehabilitation of other buildings in the District.

(g) Benefits to the City and Its Residents. The District is a microcosm of Twentieth Century commercial architecture, ranging from low level speculative office blocks to the City's premier hotels and executive offices of the time. The District now houses a variety of uses from inexpensive restaurants and support commercial uses, such as printers, to executive offices. The area retains a comfortable human scale, which will become increasingly important as neighboring areas of the South of Market become more densely developed.

SEC. 6. Features. The exterior architectural features of the New Montgomery - Second Street District are as follows:

(a) Massing and Composition. Almost without exception, the buildings in the New Montgomery-Second Conservation District are built to the front property line and occupy the entire site. Building massings along New Montgomery and Second Streets have different directional orientations. For the most part, the large buildings on New Montgomery Street are horizontally oriented, since they are built on relatively large lots, often occupying an entire blockface. Their horizontal width often exceeds their height. The buildings on Second Street are built on much smaller lots, and hence have a vertical orientation. An exception on New Montgomery is the tower of the Pacific Telephone Building, whose soaring verticality is unique for that street.

To express the mass and weight of the structure, masonry materials are used on multi-dimensional wall surfaces with texture and depth, which simulates the qualities necessary to support the weight of a load-bearing wall.

Despite their differing orientation, almost all buildings share a two- or three-part compositional arrangement. In addition, buildings are often divided into bays which establish a steady rhythm along the streets of the District. The rhythm is the result of fenestration, structural articulation or other detailing which breaks the facade into discrete segments. A common compositional device in the district is the emphasis placed upon either the end bays or the central bay.

(b) Scale. The scale of the District varies from the small buildings on Second Street to medium-scaled structures on New Montgomery Street. On the latter street, the large facades are not commonly divided into smaller bays, establishing a medium scale when combined with the five to eight-story height of the buildings. Similarly, the use of elaborate ornament on many of the buildings breaks their large facades into smaller sections and accordingly reduces their scale. Second Street is characterized by much smaller buildings with more frequent use of vertical piers whose scale is very intimate for the South of Market area.

(c) Materials and Color. Various forms of masonry are the predominant building materials in the district. A number of buildings on the northern end of New Montgomery use brown or buff brick. Terra Cotta is also used as a facing material, and is frequently glazed to resemble granite or other stones. On Second Street, many buildings are faced in stucco. To express the mass and weight of the structure, masonry materials are often rusticated at the ground and second story to increase the textural variation and sense of depth.

The materials are generally colored light or medium earth tones, including white, cream, buff, yellow, and brown. Individual buildings generally use a few different tones of one color.

(d) Detailing and Ornamentations. Buildings range from industrial brick and stucco office/warehouses to ornately decorated office buildings. The details on the latter buildings are generally of Classical/Renaissance derivation and include projecting cornices and belt courses, rustication, columns and colonnades, and arches. Industrial commercial

buildings are noted by their utilitarian nature, with limited areas or ornament applied at the cornice entablature and around windows.

SEC. 7. Standards and Guidelines for Review of New Construction and Certain Alterations.

(a) Standards. All construction of new buildings and all major alterations, which are subject to the provisions of Sections 1110, 1111 - 1111.6 and 1113, shall be compatible with the District in general with respect to the building's composition and massing, scale, materials and colors, and detailing and ornamentation, including those features described in Section 6 of this appendix. Emphasis shall be placed on compatibility with those buildings in the area in which the new or altered building is located. In the case of major alterations, only those building characteristics that are affected by the proposed alteration shall be considered in assessing compatibility. Signs on buildings in conservation districts are subject to the provisions of Section 1111.7.

The foregoing standards do not require, or even encourage, new buildings to imitate the styles of the past. Rather, they require the new to be compatible with the old. The determination of compatibility shall be made in accordance with the provisions of Section 309.

(b) Guidelines. The guidelines in this subsection shall be used in assessing compatibility.

1. Composition and Massing. New construction should maintain the character of surrounding buildings by relating to their prevailing height, mass, proportions, rhythm and composition.

In addition to the consideration of sunlight access for the street, an appropriate streetwall height is established by reference to the prevailing height of the buildings on the block and especially that of adjacent buildings. The prevailing height of buildings on New Montgomery Street is between five and eight stories while buildings on Second Street commonly range from three to six stories. A setback at the streetwall height can permit additional height above the setback up to the height limit without breaking the continuity of the street wall.

Almost all existing buildings are built to the property or street line. This pattern, except in the case of carefully selected open spaces, should not be broken since it could damage the continuity of building rhythms and the definition of streets.

Proportions for new buildings should be established by the prevailing streetwall height and the width of existing buildings. On New Montgomery Street, the historic pattern of large lot development permits new buildings to have a horizontal orientation. In order to ensure that an established set of proportions is maintained on Second Street, new construction should break up facades into discrete elements that relate to prevailing building masses. The use of smaller bays and multiple building entrances are ways in which to relate the proportions of a new building with those of existing buildings.

The design of a new structure should repeat the prevailing pattern of two- and three-part vertical compositions. One-part buildings without bases do not adequately define the pedestrian streetscape and do not relate well to the prevailing two- and three-part structures.

2. Scale. The existing scale can be accomplished in a variety of ways, including: a consistent use of size and complexity of detailing with regard to surrounding buildings, continuance of existing bay widths, maintenance of the existing streetwall height, and the use of a base element (of similar height) to maintain the pedestrian environment. Large wall surfaces, which increase a building's scale, should be broken up through the use of vertical piers, detailing and textural variation to reduce the scale of Second Street.

Existing fenestration (windows, entrances) and rhythms which have been established by lot width or bay width should be repeated in new structures. The spacing and size of window openings should follow the sequence set by historic structures. Large glass areas should be broken up by mullions so that the scale of glazed areas is compatible with that

of neighboring buildings. Casement and double-hung windows should be used where possible since most existing buildings use these window types.

3. Materials and Colors. The use of masonry and stone materials or materials that appear similar (such as substituting concrete for stone) can link two disparate structures, or harmonize the appearance of a new structure with the architectural character of a conservation district. The preferred surface materials for this district are brick, stone, terra cotta and concrete (simulated to look like terra cotta or stone).

The texture of surfaces can be treated in a manner so as to emphasize the bearing function of the material, as is done with rustication on the Rialto Building. Traditional light colors should be used in order to blend in with the character of the district. Dissimilar buildings may be made more compatible by using similar or harmonious colors, and to a lesser extent, by using similar textures.

4. Detailing and Ornamentation. A new building should relate to the surrounding area by picking up elements from surrounding buildings and repeating them or developing them for new purposes. The new structure should incorporate prevailing cornice lines or belt courses. A variety of Renaissance/Baroque, Gothic and Moderne ornament in the District provides sources for detailing in new buildings in order to strengthen their relationship. Similarly shaped forms can be used as detailing without directly copying historical ornament.

SEC. 8. TDR; Eligibility of Category V Buildings. Category V buildings in that portion of the New Montgomery - Second Street Conservation District which is in the 150-S height district as shown on Sectional Map 1H of the Zoning Map are eligible for the transfer of TDR as provided in Section 1109(c).

APPENDIX G TO ARTICLE 11 COMMERCIAL - LEIDESDORFF CONSERVATION DISTRICT

SEC. 1. Findings and Purposes. It is hereby found that the area known and described in this appendix as the Commercial - Leidesdorff area is a subarea within the C-3 District that possesses concentrations of buildings that together create a subarea of architectural quality and importance which contributes to the beauty and attractiveness of the City. It is further found that the area meets the standards for designation of a conservation district as set forth in Section 1103 of Article 11 and that the designation of said area as a Conservation District will be in furtherance of and in conformance with the purposes of Article 11 of the City Planning Code.

This Designation is intended to promote the health, safety, prosperity and welfare of the people of the City through the effectuation of the purposes set forth in Section 1101 of Article 11 and the maintenance of the scale and character of the Commercial - Leidesdorff area by:

(a) The protection and preservation of the basic characteristics and salient architectural details of structures insofar as these characteristics and details are compatible with the Conservation District;

(b) Providing scope for the continuing vitality through private renewal and architectural creativity, within appropriate controls and standards. It is intended to foster a climate in which the Commercial - Leidesdorff area may continue to exist as an important part of the City's commercial base, providing a quiet contrast to the bustle of the rest of the Financial District; and

(c) Encouragement of the continued intensive use of the District by financial district workers during the noon hours.

SEC. 2. Designation. Pursuant to Section 1103.1 of Article 11, of the City Planning Code (Part II, Chapter XI of the San Francisco Municipal Code), the Commercial - Leidesdorff area is hereby designated as a Conservation District.

SEC. 3. Location and Boundaries. The location and boundaries of the Commercial - Leidesdorff District shall be as designated on the Commercial - Leidesdorff Conservation District Map, the original of which is on file with the Clerk of the Board of Supervisors under File No. 223-84-4, which Map is hereby incorporated herein as though fully set forth, and a facsimile of which is reproduced herein below.

SEC. 4. Relation to City Planning Code.

(a) Article 11 of the City Planning Code is the basic law governing preservation of buildings and districts of architectural importance in the C-3 District of the City and County of San Francisco. This appendix is subject to and in addition to the provisions thereof.

(b) Except as may be specifically provided to the contrary in this Code, nothing in this appendix shall supersede, impair or modify any City Planning Code provisions applicable to property in the commercial - Leidesdorff Conservation District, including, but not limited to, regulations controlling uses, height, bulk, coverage, floor area ratio, required open space, off-street parking and signs.

SEC. 5. Justification. The characteristics of the Conservation District justifying its designation are as follows:

(a) History of the District. In the 1840's, Montgomery Street (where Captain Jack Montgomery landed) was the wharfside street of the new city. During the Gold Rush a few years later, the new street running parallel with the extended shoreline was named after William Alexander Leidesdorff, the owner of a warehouse at the waters edge. Commercial Street, originally one block between Kearny and Montgomery Streets, grew to the east as land was filled around the Long Wharf.

The first relation of financial offices in the downtown happened when banks moved their offices, which had been at Portsmouth Square, to the intersection of Montgomery and Commercial Streets. Since that time, Montgomery Street has been the financial center for San Francisco. While financial uses gradually moved south on Montgomery Street towards Market Street in the nineteenth and early twentieth centuries, by the 1920's, the banking center was re-established in the vicinity of Montgomery and California Streets.

The completion of the Pacific, Gas and Electric Substation at the corner of Sacramento and Leidesdorff Street in 1923, largely completed the redevelopment of the Commercial - Leidesdorff district. Buildings along Montgomery Street such as the Bank of Italy Building and the former Bank of Canton Building retained the scale of the pre-fire city. A classical design was used for these banking temples in order to impress the public with the soundness and stability of the bank. The Bank of America (then known as the Bank of Italy) had its headquarters located in the District for many years.

While Montgomery Street has historically been the preferred address for major banks and offices, Commercial and Leidesdorff Streets contained a wide variety of uses which found it convenient to be located near the office district. In the 19th century, Leidesdorff Street connected the A. Paladini Fish Market on Clay Street with the San Francisco Chamber of Commerce on Pine. In the 1920's, these streets boasted several printers and binderies, a cigar factory (554 Commercial), photo-engravers, a chemical storage warehouse as well as a paints, oils and varnish business.

(b) Basic Nature of the District. The special character of this block is created by the intersection of Commercial and Leidesdorff Streets, dividing the block into quadrants. The northeast quadrant of the block has been developed by a highrise of insensitive scale and design and was therefore excluded from this district. The remaining three quadrants of the Conservation District remain intact. The small size of the parcels determines narrow width of the buildings.

Focusing on the intersection of the two alleys, the District is a quiet area contrasting with the intensity of the Financial District. Because of the small scale, presence of sunshine, and variety of restaurants, this area is extremely popular at lunchtime.

(c) Architectural Character. The character of the area is established by a number of buildings of outstanding merit serving as anchors for the District. The contributory buildings are of relatively high quality and are unusually supportive of the District's character. A wide variety of styles exists in the small district, including Classical banking temples, three Pacific Gas and Electric substations with Romanesque and Classical ornament, and one of the more unique Gothic-ornamented structures in the downtown. This collection of styles creates rich visual interest within a concentrated pedestrian environment.

(d) Uniqueness and Location. The area is located on the northern edge of the Financial District and is separated from the Jackson Square Historic District by the Transamerica Pyramid. The District is readily accessible from Chinatown, North Beach, and Telegraph Hill, as well as the downtown areas. The District's scale is in marked contrast to the adjacent development. There are no inappropriate modern structures located within its boundaries. Alterations to the ground story have generally been sympathetic to both the character of the district and the buildings themselves.

(e) Visual and Functional Unity. The character of the area is one of a common small scale and intimacy created by its intersecting alleys, small lots, masonry structures and buildings with classically derived ornament. Commercial Street links the area to surrounding older development, with views down Commercial Street to the Ferry Building tower in one direction, and to Chinatown in the other direction. The narrowness of the alley and small scale of its buildings makes the district attractive to pedestrians.

(f) Dynamic Continuity. The District is a center for restaurants catering to a lunch and after-work clientele. In addition to its entertainment functions, banking, office, retail and industrial uses insure a healthy and productive mix of activities throughout the day.

(g) Benefits to the City and its Residents. The District provides a variety of older buildings incorporating space for commercial uses. The area serves as an architectural resource for its concentration of early 20th Century architecture.

SEC. 6. Features. The exterior architectural features of the Commercial - Leidesdorff District are as follows:

(a) Massing and Composition. For the most part, the buildings are two- or three-part vertical compositions consisting either of a base and a shaft, or a base, a shaft and a capital. The District has a number of low, one-part buildings. These are banking temples and the Pacific, Gas and Electric substations. Some of the smaller buildings use central entryways to create a symmetrical composition. These designs relate well to their context, largely because the narrow streets do not demand a high building or one with multiple parts to maintain a street enclosure.

In addition, buildings are often divided into bays expressing the structure. This was accomplished through fenestration, structural articulation or other detailing which serves to break the facade into discrete segments. A common compositional device in the district is an emphasis placed upon either the end bays or the central bay, creating a varied facade.

Lots are narrow and shallow, typically 20' X 60', encouraging a predominant building form of from one to four stories. Buildings up to eight stories on Montgomery Street reflect its function as a prime financial office address.

Almost without exception, the buildings in the Commercial - Leidesdorff Conservation District are built to the front property line and occupy the entire site. A number of buildings have "L" shaped massing or through-block lots with frontages on two streets. This reflects the high land values of this district at the time of construction, and the function of the alleys for building service access.

(b) Scale. The buildings are of small scale, created by elaborate detailing and low height. A major influence on scale is the degree to which the total facade plane is broken into smaller parts. Window and door openings are relatively small, creating large wall areas, which are frequently heavily ornamented. The bay width is generally from 15' to

20'. The narrow spacing between the vertical elements creates a regular rhythm. As noted above, the wider frontages are often broken up by articulation of the facade, making the buildings appear narrower. Heights generally range from one to four stories on lots 20' to 30' wide, although a few taller and wider buildings exist. The base is generally delineated from the rest of the building giving the district an intimate scale at the street. The alleys are only 30' to 36' wide creating an intimate scale. Sacramento Street, the narrowest major street in the downtown at 49', also enhances this small scale.

(c) Materials and Colors. Buildings are either clad in masonry over a supporting structure, or are constructed of masonry with load bearing walls. The cladding materials include brick, terra cotta, stucco, and stone. The buildings fronting on the alleys use materials with rough surface treatments, reflecting the buildings' utilitarian nature. Wood, metal, and metal panels are not commonly used facade materials in the District, although painted wood and metal are sometimes used for window sash and ornament.

The materials are generally colored of light or medium earth tones, including cream, buff, yellow, grey, and brown. Individual buildings generally use a few different tones of one color, highlighting the ornament. Dark or intense colors are not commonly used.

(d) Detailing and Ornamentation. The buildings are not constructed in a single style, but with ornament drawn from a variety of historical sources, primarily Classical sources. Arcades and arched entryways are common elements in the buildings. Popular details include arches, columns, pilasters, projecting bracketed cornices, multiple belt courses, elaborate lintels, and pediments. Details were used to relate buildings to their neighbors by repeating and varying the ornament used in the surrounding structures.

SEC. 7. Standards and Guidelines for Review of New Construction and Certain Alterations.

(a) Standards. All construction of new buildings and all major alterations, which are subject to the provisions of Sections 1110, 1111 - 1111.6 and 1113, shall be compatible with the District in general with respect to the building's composition and massing, scale, materials and colors, and detailing and ornamentation, including those features described in Section 6 of this appendix. Emphasis shall be placed on compatibility with those buildings in the area in which the new or altered building is located. In the case of major alterations, only those building characteristics that are affected by the proposed alteration shall be considered in assessing compatibility. Signs on the buildings in conservation districts are subject to the provisions of Section 1111.7.

The foregoing standards do not require, or even encourage, new buildings to imitate the styles of the past. Rather, they require the new to be compatible with the old. The determination of compatibility shall be made in accordance with the provisions of Section 309.

(b) Guidelines. The guidelines in this subsection are to be used in assessing compatibility.

1. Composition and Massing. New construction should maintain the character of the District by relating to the prevailing height, mass, proportions, rhythm and composition of existing historic buildings.

The height and massing of new buildings should not alter the traditional scale of existing buildings, streets and open spaces. On the interior of the block, the existing streetwall height should be maintained. An appropriate streetwall height is established by reference to the prevailing building height on the block and especially that of adjacent buildings. If the adjacent buildings are of a significantly different height than the rest of the buildings on the block, then the prevailing height of buildings on the block should be used as a guide. A setback at the streetwall height can permit additional height above the setback without breaking the continuity of the street wall. On blockfronts where the street wall is less well defined, greater latitude in height may be allowed.

Most existing buildings are built to the property or street line. This pattern should not be broken since it could damage the continuity of building rhythms and the definition of streets.

The standard proportions of new buildings should be established by the prevailing streetwall height and width of lots. Lot assembly should be discouraged to maintain the existing lot pattern and building proportions. In cases where lot assembly does occur, it is necessary to break up the facades of new buildings into discrete elements that relate to prevailing building proportions. The use of smaller bays is a way in which to relate the proportions of a new building with those of historic buildings.

The design of a new structure should repeat the prevailing pattern of two- and three-part vertical compositions, although low buildings could use a one-part vertical division. A base element is necessary to define the pedestrian environment. Alterations to existing structures should maintain the existing vertical and horizontal divisions, and should respect the original ground story enframing. Cornices and belt courses should not be removed or altered.

2. Scale. The existing scale of the immediate area and the conservation district should be maintained. This can be accomplished in a variety of ways, including: a consistent use of size and complexity of detailing in regards to surrounding buildings, continuance of existing bay widths, maintenance of an existing streetwall height, and incorporation of a base element (of similar height to existing bases) to maintain the pedestrian environment. Large wall surfaces, which increase a building's scale, should be broken up through the use of detailing and textural variation to reduce the scale.

Existing fenestration (windows, entrances) rhythms and proportions which have been established by lot width or bay width should be repeated in new structures. The spacing and size of window openings should follow the sequence set by historic structures. Large glass areas should be broken up by mullions so that the scale of glazed areas is compatible with that of neighboring buildings. Casement and double-hung windows should be used where possible.

3. Materials and Colors. The use of like materials can relate two buildings of obviously different eras and styles. Similarly, the use of materials that appear similar (such as substituting concrete for terra cotta) can link two disparate structures, or harmonize the appearance of a new structure with the architectural character of a conservation district. The preferred surface materials for this district are brick, terra cotta, stone, and concrete (simulated to look like terra cotta or stone). The texture of surfaces can be treated in a manner so as to emphasize the bearing function of the material, as is done in rustication on historic buildings. In addition, in some cases it may be appropriate to leave the surface roughly dressed, emphasizing the utilitarian character of the interior frontages.

Traditional light colors should be used in order to blend in with the character of the district. Dissimilar buildings may be made more compatible by using similar or harmonious colors, and, to a lesser extent, by using similar textures.

4. Detailing and Ornamentation. A new building should relate to the surrounding area by picking up elements from surrounding buildings and repeating them or developing them for new purposes. An ornamental detail can be taken from an adjacent building and used in a new building to relate the latter to the surrounding area. Alternately, similarly shaped forms can be used without directly copying historical ornament. The new structure should incorporate prevailing cornice lines or belt courses and may use a modern vernacular instead of that of the original model.

SEC. 8. TDR; Eligibility of Category V Buildings. Category V buildings in the Commercial - Leidesdorff District are eligible for the transfer of TDR as provided in Section 1109(c).

APPENDIX H TO ARTICLE 11 FRONT - CALIFORNIA CONSERVATION DISTRICT

SEC. 1. Findings and Purposes.

It is hereby found that the area known and described in this appendix as the Front -

California Street area is a subarea within the C-3 District that possesses concentrations of buildings that together create a subarea of architectural quality and importance which contributes to the beauty and attractiveness of the City. It is further found that the area meets the standards for designation of a conservation district as set forth in Section 1103 of Article 11 and that the designation of said area as a Conservation District will be in furtherance of and in conformance with the purposes of Article 11 of the City Planning Code.

This Designation is intended to promote the health, safety, prosperity and welfare of the people of the City through the effectuation of the purposes set forth in Section 1101 of Article 11 and the maintenance of the scale and character of the Front - California area by:

(a) The protection and preservation of the basic characteristics and salient architectural details of structures insofar as these characteristics and details are compatible with the Conservation District;

(b) Providing scope for continuing vitality of the District through private renewal and architectural creativity, within appropriate controls and standards. It is intended to foster a climate in which the area continues to provide a variety of retail and commercial uses of significant value to the City.

(c) Encouragement of the continued intensive use of the District by financial district workers during the noon hours.

SEC. 2. Designation. Pursuant to Section 1103.1 of Article 11, of the City Planning Code (Part II, Chapter II of the San Francisco Municipal Code), the Front - California area is hereby designated as a Conservation District.

SEC. 3. Location and Boundaries. The location and boundaries of the Front - California Conservation District shall be as designated on the Front - California Conservation District Map, the original of which is on file with the Clerk of the Board of Supervisors under File No. 223-84-4, which Map is hereby incorporated herein as though fully set forth, and a facsimile of which is reproduced below.

SEC. 4. Relation to City Planning Code.

(a) Article 11 of the City Planning Code is the basic law governing preservation of buildings and districts of architectural and environmental importance in the C-3 District of the City and County of San Francisco. This appendix is subject to and in addition to the provisions thereof.

(b) Except as may be specifically provided to the contrary in this Code, nothing in this appendix shall supersede, impair or modify any City Planning Code provisions applicable to property in the Front - California Conservation District including, but not limited to, regulations controlling uses, height, bulk, coverage, floor area ratio, required open space, off-street parking and signs.

SEC. 5. Justification. The characteristics of the Conservation District justifying its designation are as follows:

(a) History of the District. Located to the east of the financial district on filled land, this district was outside of the major downtown growth corridors in the nineteenth and early twentieth centuries. The location of the Federal Reserve Bank on Battery Street and the construction of several office buildings (Southern Pacific, Matson) in the 1920's, linked the financial district with port-oriented buildings on lower California and Market Streets. While office uses have been located on California Street since 1906, the area east of Battery Street was not fully integrated into the financial district until 1920, when the street assumed its present character.

The development of Front Street proceeded at a slower pace and was not complete until the 1930's. Front Street was redeveloped after the fire with warehouses and industrial buildings serving the produce district to the north and office support services

serving the office core to the west and on California Street. Buildings on Front Street commonly contained stores and offices at the ground level while upper stories were used for stock purposes and general storage. Several offices and printers were also located on the street.

(b) Basic Nature of the District. The low height and small scale of this district creates a contrast to the rest of the financial district and the adjacent Embarcadero Center. The District still retains its post-fire appearance, as most of the architecturally significant buildings were constructed in the short period from 1907 through 1918. Six of the District's 19 buildings are architecturally significant and six are contributory to the District. Only seven buildings are unrated.

The low buildings on Front Street and the narrow lot widths create an open, sunlit streetscape. Because of the character of the District and its proximity to the financial district, a variety of commercial (especially retail) enterprises serve pedestrians from the surrounding financial district. The scale of the California Street buildings is kept low by Halleck Street, which runs parallel to California and limits the lot size on that street. The street also divides Front in half on the west side, enhancing the small scale of that block.

(c) Architectural Character. Although the Front Street buildings are lower and of lesser quality than the California Street buildings, similar design elements in the buildings tie them together to form a coherent entity. The buildings on Front Street are generally in the two- to four-story range, while most of the buildings on California Street are in the four- to seven-story range. The buildings' ornament is generally derived from Renaissance sources and the buildings employ similar scale, height, fenestration, texture, and materials.

(d) Uniqueness and Location. This district, along with the nearby Commercial-Leidesdorff District, forms one of the last small scale areas with architecturally significant buildings in the northern section of the financial district. It provides a low intensity contrast to the dense office core and the Embarcadero Center development.

(e) Visual and Functional Unity. The District forms a coherent entity. Outside the boundary, the older buildings become larger and are interspersed with more modern structures. The similar character and scale of the buildings unify the District.

(f) Dynamic Continuity. The area has demonstrated economic viability evidenced by its mix of active retail and commercial uses.

(g) Benefits to the City and Its Residents. The District provides a variety of retail and commercial uses in small older structures. The area is an architectural resource for its collection of small industrial buildings. The District still retains the scale and character, if not the actual Victorian buildings, of the pre-fire commercial district.

SEC. 6. Features. The exterior architectural features of the Front - California District are as follows:

(a) Scale, Form, and Proportion. The buildings in this District are of a variety of heights, ranging from one story to eleven stories. Unlike other districts which have a prevailing street wall height, this District has a varied street wall height, allowing sunlight to penetrate to the street most of the day. Lot widths range from 25' to 60', lot depths range from 60' to 140'.

(b) Materials, Color, Texture. Facade materials include exposed brick, stucco, metal, and terra cotta panels. Colors include white, grey masonry and terra cotta, red brick, and deep reds and greens. The texture of the buildings varies from smooth stucco to richly textured and ornamented terra cotta panels.

(c) Details. Buildings styles range from utilitarian brick industrial with decorative brickwork to ornate Renaissance Revival buildings. Details include glazed brickwork, arches, decorated spandrels, projecting cornices and belt courses, pilasters, and rustication.

SEC. 7. Standards and Guidelines for Review of New Construction and Certain Alterations.

(a) Standards. All construction of new buildings and all major alterations, which are subject to the provisions of Sections 1110, 1111 - 1111.6 and 1113, shall be compatible with the District in general with respect to the building's composition and massing, scale, materials and colors, and detailing and ornamentation, including those features described in Section 6 of this appendix. Emphasis shall be placed on compatibility with those buildings in the area in which the new or altered building is located. In the case of major alterations, only those building characteristics that are affected by the proposed alteration shall be considered in assessing compatibility. Signs on buildings in conservation districts are subject to the provisions of Section 1111.7.

The foregoing standards do not require, or even encourage, new buildings to imitate the styles of the past. Rather, they require the new to be compatible with the old. The determination of compatibility shall be made in accordance with the provisions of Section 309.

(b) Guidelines. The guidelines in this subsection are to be used in assessing compatibility.

1. Composition and Massing. New construction should maintain the character of both Front and California Streets by relating to the prevailing height, mass, proportions, rhythm and composition of historic buildings.

The height and massing of new buildings should not alter the traditional scale of existing buildings, streets and open spaces. Since buildings on California Street commonly range from five to eight stories, new buildings should relate to those heights. Similarly, new buildings on Front Street should relate to the existing pattern of buildings under five stories in height. A setback at the predominant streetwall height can permit additional height above the setback without breaking the continuity of the street wall.

Almost all existing buildings are built to the property or street line. This pattern, except in the case of carefully selected open spaces, should not be broken since it could damage the continuity of building rhythms and the definitions of streets.

Vertical and horizontal proportions for new buildings should be established by heights of existing streetwalls and the width of existing buildings (and lots). Due to the regular rhythm of small structures on Front Street, a new building which is built on a large site should break up its facade into discrete sections that relate to the small building masses. This can be best accomplished through the use of vertical piers and separate entrances for the different sections. However, the slightly larger lots on California Street would allow buildings to have greater horizontal dimensions as well as greater heights. The use of smaller bays is another way in which to relate the proportions of a new building with those of historic buildings.

The design of a new structure should also repeat the prevailing pattern of two- and three-part vertical compositions. One-part buildings without base sections do not adequately define the pedestrian streetscape and do not relate well to the historic two- and three-part structures. This division of a building allows flexibility in the design of the ground story while encouraging a uniform treatment of the upper stories.

2. Scale. The existing scale of the Front-California Conservation District is one of its most important assets and should be maintained. This can be accomplished by the consistent use of size and complexity of detailing in relation to surrounding buildings. In addition, the continuance of existing bay widths and the incorporation of a base element (of similar height) help to maintain the pedestrian environment. Especially on Front Street, large wall surfaces, which increase a building's scale, should be broken up through the use of detailing and textural variation to reduce the scale.

Existing fenestration (windows, entrances) rhythms and proportions which have been established by lot width or bay width should be repeated in new structures. The spacing and size of window openings should follow the sequence set by historic structures. Most glass areas should be broken up by mullions so that the scale of glazed areas is compatible with that the neighboring buildings. Casement and double-hung windows

should be used where possible.

3. Materials and Colors. The use of historic materials or those that appear similar (such as substituting concrete for stone) can link two disparate structures, or harmonize the appearance of a new structure with the architectural character of a conservation district. The preferred surface materials for this district are brick, stone and concrete (simulated to look like terra cotta or stone).

Traditional light colors should be used in order to blend in with the character of the district. Dissimilar buildings may be made more compatible by using similar or harmonious colors, and to a lesser extent, by using similar textures.

4. Detailing and Ornamentation. A new building should relate to the surrounding area by picking up elements from surrounding buildings and repeating them or developing them for new purposes. Since most buildings on Front Street are not extensively detailed, new structures should incorporate prevailing cornice lines or belt courses. On California Street, the historic details of existing buildings can serve as models for detailing in new buildings in order to strengthen their relationship. Alternately, similarly shaped ornament can be used as detailing without directly copying historical ornament.

SEC. 8. TDR; Eligibility of Category V Buildings. Category V buildings in the California - Front District are eligible for the transfer of TDR as provided in Section 1109(c).

APPENDIX I TO ARTICLE 11 KEARNY - BELDEN CONSERVATION DISTRICT

SEC. 1. Findings and Purposes.

It is hereby found that the area known and described in this appendix as the Kearny - Belden Street area is a subarea within the C-3 District that possesses concentrations of buildings that together create a subarea of architectural quality and importance which contributes to the beauty and attractiveness of the City. It is further found that the area meets the standards for designation of a conservation district as set forth in Section 1103 of Section 11 and that the designation of said area as a Conservation District will be in furtherance of and in conformance with the purposes of Article 11 of the City Planning Code.

This Designation is intended to promote the health, safety, prosperity and welfare of the people of the City through the effectuation of the purposes set forth in Section 1101 of Article 11. In addition, this designation is intended to preserve the scale and character of the Kearny - Belden area by:

(a) The protection and preservation of the basic characteristics and salient architectural details of structures insofar as these characteristics and details are compatible with the Conservation District;

(b) Providing scope for the continuing vitality of the District through private renewal and architectural creativity, within appropriate controls and standards.

(c) Encouragement of the continued intensive use of the District by financial district workers during the noon hours.

SEC. 2. Designation. Pursuant to Section 1103.1 of Article 11, of the City Planning Code (Part II, Chapter XI of the San Francisco Municipal Code), the Kearny - Belden area is hereby designated as a Conservation District.

SEC. 3. Location and Boundaries. The location and boundaries of the Kearny - Belden Conservation District shall be as designated on the Kearny - Belden Conservation District Map, the original of which is on file with the Clerk of the Board of Supervisors under File No. 223-84-4, which Map is hereby incorporated herein as though fully set forth, and a facsimile of which is reproduced herein below.

SEC. 4. Relation to City Planning Code.

(a) Article 11 of the City Planning Code is the basic law governing preservation of buildings and districts of architectural importance in the C-3 District of the City and County of San Francisco. This appendix is subject to and in addition to the provisions thereof.

(b) Except as may be specifically provided to the contrary in this Code, nothing in this appendix shall supersede, impair or modify any City Planning provisions applicable to property in the Kearny - Belden Conservation District, including, but not limited to, regulations controlling uses, height, bulk, coverage, floor area ratio, required open space, off-street parking and signs.

SEC. 5. Justification. The characteristics of the Conservation District justifying its designation are as follows:

(a) History of the District. In the nineteenth century, private alleys were cut to permit access to the interiors of blocks, allowing more intensive development than would otherwise have been possible. In this immediate area, the blocks were typically cut by one or more alleys. Some of these, like Belden Street and St. George Alley, still exist. Others, such as Lick Alley and Summer Alley, have been incorporated into new developments. Thus, the character of this district was established when Belden Street was cut through between Pine and Bush Streets. Belden Street is one of the best remaining examples of the development pattern of the pre-fire era.

Buildings along Kearny, Bush and Pine Streets were completed several years before the small structures on the interior portion of Belden Alley. Since the district was only a few blocks south of Portsmouth Square, Kearny Street had a large number of businesses serving both nearby residents as well as mercantile and port activities. As the city grew in the 1870's, Kearny Street became the most fashionable retail street in the city. Yet, by the turn of the century, the movement of retail stores to Market Street and the Union Square/Grant Avenue area eclipsed Kearny Street's prominence. After the fire of 1906, Kearny Street found itself located between the financial and retail districts. By 1931, Kearny Street was a low-rent area of small stores and hotels. Some support uses for nearby Montgomery Street found Kearny a convenient location and printers, sign painters and some offices located on the street. While Belden Street was originally a service alley, restaurants located on the small street during the 1920' and 1930's.

(b) Basic Nature of the District. The district consists of the east side of the 300 block of Kearny Street and the buildings which front on the Belden Street, which runs parallel to Kearny. The depth of the lots is from 40 to 60', which has served as an effective limit on the height and scale of the buildings. The District has become the location for a number of small, moderately priced restaurants and the Belden Street right-of-way is closed down during the lunch hours to create a pedestrian mall which is heavily used. During this time, restaurants move tables out into the street for open air dining. In addition, street trees have been planted and benches installed.

(c) Architectural Character. The district has only a few individual buildings of outstanding quality. Its unique quality is based on its character, rather than its examples of outstanding architecture. The District is also important as an example of historic building and development patterns. The District is expressive of the different requirements of the street frontages. The character of the District is maintained by the small-scale, red brick structures on Belden Street, often utilitarian in character, with minimal ornament. The facades fronting on Kearny Street are more elaborate, with ornament derived from Renaissance sources.

(d) Uniqueness and Location. The district is almost entirely intact, except for one unsympathetically remodeled building. Alterations to the lower stories have generally been compatible with district, and in recent years commercial alterations have been effected more compatible with the character of the district. The area is located on the edges of the Financial and Retail Districts, and at the foot of Nob Hill eastern slope.

(e) Visual and Functional Unity. The character of the area is determined by the use

of a consistent scale, fenestration, materials, colors, and style.

(f) Dynamic Continuity. The district supplies a variety of services to the working population of the downtown area. The shops and restaurants are active and thriving.

(g) Benefits to the City and Its Residents. The district provides a variety of retail and commercial uses, including moderately priced restaurants and an attractive setting in which to enjoy lunch. The restaurants generally locate in small, older structures. The area serves as a respite from the dense financial district to the east.

SEC. 6. Features. The exterior architectural features of the Kearny - Belden District are as follows:

(a) Massing and Composition. The Kearny Street facades are elaborate designs, while the Belden Street facades are utilitarian in character. The treatment of the facades reflects the differing character of the streets. Kearny Street is a major pedestrian and vehicular corridor, and a prime shopping street. For the most part, the Kearny Street facades are two- or three-part vertical compositions consisting either of a base and a shaft, or a base, a shaft and a capital. Belden Street is a narrow alley, originally created to allow access to the interior of the block. The facades on Belden Street are largely unornamented, perhaps with a corbelled cornice or a decorative tile roof. The compositions are simple one-part structures from one to four stories high. There are a few small stucco buildings, probably built as ware houses. These designs are successful in maintaining the street enclosure, largely because the narrow widths of the streets do not demand a high building or one with multiple parts.

In addition, the Kearny Street facades are often divided into bays expressing the structure. This was accomplished through fenestration, structural articulation or other detailing which serves to break the facade into discrete segments.

Both the scale and height of the buildings in the district are extremely small, a result of the lot and street patterns. The lot depth is generally under 60', and half the lots have frontages on Kearny and Belden Streets. As a consequence of the limited size of lots, most of the buildings are limited to four stories or less. A number of the buildings are only one story high.

Without exception, the buildings in the Kearny-Belden Conservation District are built to the front property line and occupy the entire site.

(b) Scale. The buildings are of small scale, created by the building's elaborate detailing and low height. A major influence on scale is the degree to which the total facade plane is broken into smaller parts which relate to human scale. Window and door openings are relatively small, creating large wall areas, which are frequently heavily ornamented. The bay width is generally from 15' to 20'. Heights generally range from one to four stories on lots 20' to 30' wide, although a few taller and wider buildings exist. As noted above, the wider frontages are often broken up by articulation of the facade, making the buildings appear narrower. On the Kearny Street facades, the base is generally delineated from the rest of the building, giving the district an intimate scale at the street.

(c) Materials and Colors. Buildings are either clad in masonry over a supporting structure, or are constructed of masonry with load bearing walls. The cladding materials include brick, terra cotta, and stucco. Materials have rough surface treatments, especially those located on the alleys, reflecting the building's utilitarian nature. Wood, metal, and metal panels are not commonly used facade materials in the District, although painted wood and metal are sometimes used for window sash and ornament.

The materials are generally colored of light or medium earth tones, including cream, buff, yellow, and red. Individual buildings generally use a few different tones of one color, highlighting the ornament. Dark or intense colors are not commonly used.

The Belden Street facades are simply treated wall surfaces, with little expression of weight or mass from wall articulation. The small unit of the brick creates a textured facade, and reduces the scale of the undifferentiated facades.

(d) Detailing and Ornamentation. The Kearny Street frontages are not constructed

in a single style, but with ornament drawn from a variety of historical, primarily classical, sources. Popular details include arches, columns, pilasters, projecting bracketed cornices, multiple belt courses, elaborate lintels, and pediments. Details were used to relate buildings to their neighbors by repeating and varying the ornament used in the surrounding structures.

The Belden Street frontages are unadorned, except for slight corbelled cornices at the upper levels or false tile roofs on the stucco buildings.

SEC. 7. Standards and Guidelines for Review of New Construction and Certain Alterations.

(a) Standards. All construction of new buildings and all major alterations, which are subject to the provisions of Sections 1110, 1111 - 1111.6 and 1113, shall be compatible with the District in general with respect to the building's composition and massing, scale, materials and colors, and detailing and ornamentation, including those features described in Section 6 of this appendix. Emphasis shall be placed on compatibility with those buildings in the area in which the new or altered building is located. In the case of major alterations, only those building characteristics that are affected by the proposed alteration shall be considered in assessing compatibility. Signs on buildings in conservation districts are subject to the provisions of Section 1111.7.

The foregoing standards do not require, or even encourage, new buildings to imitate the styles of the past. Rather, they require the new to be compatible with the old. The determination of compatibility shall be made in accordance with the provisions of Section 309.

(b) Guidelines. The guidelines in this subsection are to be used in assessing compatibility.

1. Composition and Massing. New construction should maintain the character of the District by relating to the prevailing height, mass, proportions, rhythm and composition of existing historic buildings.

The height and massing of new buildings should not alter the traditional scale of existing buildings, streets and open spaces. On the Kearny Street, the existing streetwall height should be maintained. An appropriate streetwall height is established by reference to the prevailing height of the buildings on the block and especially that of adjacent buildings. If the adjacent buildings are of a significantly different height than the rest of the buildings on the block, then the prevailing height of buildings on the block should be used as a guide. A setback at the streetwall height can permit additional height above the setback without breaking the continuity of the street wall. On Belden Street, where the street wall is less well defined, greater latitude in height may be allowed. The height limit of 50' should be used as a guide to the appropriate height.

Existing buildings are built to the property or street line. This pattern should not be broken since it could damage the continuity of building rhythms and the definition of streets.

The standard proportions for new buildings should be established by the prevailing streetwall height and width of lots. Maintenance of the existing lot pattern and building proportions should be encouraged. In cases where lot assembly does occur, the facades of new buildings should be broken into discrete elements that relate to prevailing building proportions. The use of smaller bays can be used to relate the proportions of a new building with those of historic buildings.

The design of the new structure should reflect the characteristics of the blockfront. Kearny Street facades should repeat the prevailing pattern of two- and three-part vertical compositions, although low buildings could use a one-part vertical division. A base element is necessary to define the pedestrian environment. Belden Street facades should be simply treated, with a cornice or other definition at the roof level.

2. Scale. The existing scale of the immediate area and the conservation district should be maintained. This can be accomplished in a variety of ways, including a

consistent use of size and complexity of detailing with regard to surrounding buildings, continuance of existing bay widths, maintenance of an existing streetwall height, and incorporation of a base element (of similar height) to maintain the pedestrian environment. Large wall surfaces, which increase a building's scale, should be broken up through the use of detailing and textural variation to reduce the scale.

Existing fenestration (windows, entrances) rhythms and proportions which have been established by lot width or bay width should be repeated in new structures. The spacing and size of window openings should follow the sequence set by historic structures. Large glass areas should be broken up by mullions so that the scale of glazed areas is compatible with that of neighboring buildings. Casement and double-hung windows should be used where possible.

3. Materials and Colors. The use of like materials can relate two buildings of obviously different eras and styles. Similarly, the use of materials that appear similar (such as substituting concrete for terra cotta) can link two disparate structures, or harmonize the appearance of a new structure with the architectural character of a conservation district. The preferred surface materials for this district are brick, concrete (simulated to look like terra cotta or stucco). The texture of surfaces can be treated in a manner so as to emphasize the bearing function of the material, as is done in rustication on historic buildings. In addition, in some cases it may be appropriate to leave the surface roughly dressed, emphasizing the utilitarian character of the interior frontages.

Traditional light colors should be used in order to blend in with the character of the Kearny Street facades. Dissimilar buildings may be made more compatible by using similar or harmonious colors, and to a lesser extent, by using similar textures. Belden Street facades should use red brick and stucco-like materials.

4. Detailing and Ornamentation. A new building should relate to the surrounding area by picking up elements from surrounding buildings and repeating them or developing them for new purposes. An ornamental detail can be taken from an adjacent building and used in a new building to relate the latter to the surrounding area. Alternately, similarly shaped forms can be used without directly copying historical ornament. The new structure should incorporate prevailing cornice lines or belt course and may use a modern vernacular instead of that of the original model.

SEC. 8. TDR; Eligibility of Category V Buildings. Category V buildings in the Kearny - Belden District are eligible for the transfer of TDR as provided in Section 1109(c).

APPENDIX J TO ARTICLE XI PINE - SANSOME CONSERVATION DISTRICT

SEC. 1. Findings and Purposes.

It is hereby found that the area known and described in this appendix as the Pine - Sansome Street area is a subarea within the C-3 District that possesses concentrations of buildings that together create a subarea of architectural quality and importance which contributes to the beauty and attractiveness of the City. It is further found that the area meets the standards for designation of a conservation district as set forth in Section 1103 of Article 11 and that the designation of said area as a Conservation District will be in furtherance of and in conformance with the purposes of Article 11 of the City Planning Code.

This Designation is intended to promote the health, safety, prosperity and welfare of the people of the City through the effectuation of the purposes set forth in Section 1101 of Article 11 and the maintenance of the scale and character of the Pine - Sansome area by:

(a) The protection and preservation of the basic characteristics and salient architectural details of structures insofar as these characteristics and details are compatible with the Conservation District;

(b) Providing scope for the continuing vitality of the District through private renewal

and architectural creativity, within appropriate controls and standards.

(c) Encouragement of the continued intensive use of the District for financial and business office activities.

SEC. 2. Designation. Pursuant to Section 1103.1 of Article 11, of the City Planning Code (Part II, Chapter XI of the San Francisco Municipal Code), the Pine - Sansome area is hereby designated as a conservation District.

SEC. 3. Location and Boundaries. The location and boundaries of the Pine - Sansome Conservation District shall be as designated on the Pine - Sansome Conservation District Map, the original of which is on file with the Clerk of the Board of Supervisors under File No. 223-84-4, which Map is hereby incorporated herein as though fully set forth, and a facsimile of which is reproduced herein below.

SEC. 4. Relation to City Planning Code.

(a) Article 11 of the City Planning Code is the basic law governing preservation of buildings and districts of architectural importance in the C-3 District of the City and County of San Francisco. This appendix is subject to and in addition to the provisions thereof.

(b) Except as may be specifically provided to the contrary in this Code, nothing in this appendix shall supercede, impair or modify any City Planning Code provisions applicable to property in the Pine - Sansome Conservation District, including, but not limited to, regulations controlling uses, height, bulk, coverage, floor area ratio, required open space, off-street parking and signs.

SEC. 5. Justification. The characteristics of the Conservation District justifying its designation are as follows:

(a) History of the District. The flat land filled area east of Montgomery Street became an early center of household furnishings on Pine Street and hotels on Sansome Street. The block of Leidesdorff Street near Pine was once known as Pauper's Alley. By 1875, financial offices from nearby Montgomery Street had located in the area. A stock exchange sub-district, established in the late 1870's, included the Stock and Exchange Board, the Pacific Exchange and the California Stock Exchange. This district remained largely intact until the Earthquake and Fire of 1906 when two of the exchanges located elsewhere. In the 1920's, as banks moved their offices north along Montgomery Street, some banks and more insurance companies located on Pine Street near Sansome.

When the U.S. Subtreasury Building added its twelve-story office extension in the late 1920s, the district largely assumed its present architectural character. The replacement of the Subtreasury by the Pacific Coast Stock Exchange in the 1930's, one of the most important financial institutions in the Western United States, was an important factor in solidifying the district's status as a financial center. Ever since then the area has played an important role in the financial life of the City.

(b) Basic Nature of the District. The distinguishing characteristic of the district is the relationship between the street and alley network and the series of distinguished office and financial buildings from the early part of the twentieth century. Buildings are defined and set off from each other by an intricate network of public and private alleys. Although most buildings are built to the property lines, in several cases alleys divide their facades. The network of alleys creates open spaces between buildings which distinguished the district from other parts of the downtown. The rhythm of buildings and street spaces establishes a human scale in the district. Another definitive feature is the Pacific Coast Stock Exchange, setback from the street upon a base of broad steps. Since the building's forecourt provides an intimate open space with adequate sunshine, it is popular daytime gathering place.

(c) Architectural Character. The buildings in the district are of high design quality, executed in a variety of ornamental styles. Examples of Classical Moderne, Skyscraper

Gothic, Gothic, Georgian Revival, as well as the more familiar buildings derived from Renaissance sources, create a rich mix of Twentieth Century styles.

(d) Uniqueness and Location. Near the western edge of the Financial District, the district is a large intact example of early Twentieth Century office architecture in the Financial District. Aside from other assemblages of historic office buildings on California and Montgomery Streets, the Pine Sansome district is one of the only remaining areas where an entire pre-World War II streetscape is intact.

(e) Visual and Functional Unity. The area has a coherent character created by similar small to moderate scale buildings executed in like materials and colors, and situated on interconnected alleys and small lots. The series of buildings on the south side of Pine Street is constructed out of grey granite, or terra cotta fired to resemble granite.

(f) Dynamic Continuity. The district has been and continues to be an active part of the Financial District. It contains a variety of uses, including offices, banks, services, retail establishments and small restaurants.

(g) Benefits to the City and its Residents. The District provides a variety of benefits to the City and its residents. A range of commercial services are located within the District, including the City's stock exchange, and a number of examples of pre-1930 office development.

SEC. 6. Features. The exterior architectural features of the Pine - Sansome Conservation District are as follows:

(a) Massing and Composition. For the most part, the buildings are two- or three-part vertical compositions. In more elaborate designs transitional stories create a stacked composition, but the design effect is similar. In addition, buildings are often divided through fenestration or other detailing into bays to express their internal structure. A common compositional device in the district is the emphasis placed upon the central bays.

The massing of the structures is usually a simple vertically oriented rectangle with a ratio of width to height generally from 1:2 to 1:6, an important characteristic of the district. The building heights range from 45 feet to 200 feet. Building frontages are relatively consistent, generally ranging from 40 feet to 75 feet. In addition, continuous streetwall heights are a characteristic of the west side of Pine Street. The heights of the buildings step down towards the west. With the exception of the Pacific Coast Stock Exchange, the buildings in the Pine - Sansome Conservation District are built to the front property line and occupy the entire site.

(b) Scale. The buildings are of small to moderate scale with bay widths generally from 20 feet to 30 feet. Wider frontages are often broken up by articulation of the facade, making the buildings appear narrower. The street frontages are broken up by the aforementioned alleys, further limiting the scale of the District. The base is generally delineated from the rest of the building, giving the district an intimate scale at the street.

(c) Materials and Colors. Buildings are constructed of masonry or terra cotta, or various shades of brick. The buildings are light colored greys or cream colors, with some red brick buildings. Through the use of rich detailing, often executed in deep relief, textural facades are emphasized.

(d) Detail and Ornamentation. The buildings in the district are richly detailed in a wide variety of styles for such a small area. Ornamental types include rich sculptural groups in the Moderne style, bas reliefs, rusticated bases, colonades, pointed and round headed arches, bracketed cornices, belt courses, and decorative keystones.

SEC. 7. Standards and Guidelines for Review of New Construction and Certain Alterations.

(a) Standards. Within Conservation Districts, all construction of new buildings and all major alterations, which are subject to the provisions of Section 1110, 1111 - 1111.6 and 1113, shall be compatible with the District in general with respect to the building's composition and massing, scale, materials and colors, and detailing and ornamentation,

including those features described in Section 6 of this appendix. Emphasis shall be placed on compatibility with those buildings in the area in which the new or altered building is located. In the case of major alterations, only those building characteristics that are affected by the proposed alteration shall be considered in assessing compatibility. Signs on buildings in conservation districts are subject to the provisions of Section 1111.7.

The foregoing standards do not require, or even encourage, new buildings to imitate the styles of the past. Rather, they require the new to be compatible with the old. The determination of compatibility shall be made in accordance with the provisions of Section 309.

(b) Guidelines. The guidelines in this subsection are to be used in assessing compatibility.

(1) Composition and Massing. New construction should maintain the character of the District by relating to the prevailing height, mass, proportions, rhythm and composition of existing historic buildings.

The height and massing of new buildings should not alter the traditional scale of existing buildings, streets and open spaces. Existing streetwall heights should be maintained. An appropriate streetwall height is established by reference to the prevailing building height on the block and especially to that of adjacent buildings. If the adjacent buildings are of a significantly different height than the rest of the buildings on the block, then the prevailing height of buildings on the block should be used as a guide. A setback at the streetwall height can permit additional height above the setback without breaking the continuity of the streetwall.

Most existing buildings are built to the street or alley line. This pattern should not be broken since it could damage the continuity of building rhythms and the definition of streets.

The standard proportions for new buildings should be established by the prevailing streetwall height and width of lots. Lot assembly should be discouraged to maintain the existing lot pattern. In cases where lots are combined, facades of new buildings should be broken into discrete elements that relate to prevailing building proportions. The use of smaller bays can be used to relate the proportions of a new building with those of historic buildings.

The design of a new structure should repeat the prevailing pattern of two- and three-part vertical compositions.

2. Scale. A major influence on scale is the degree to which the total facade plane is broken into smaller parts which relate to human scale. The existing scale of the immediate area and the conservation district should be maintained by a consistent use of size and complexity of detailing with regard to surrounding buildings, and the continuance of existing bay widths. Base elements (of similar height to existing bases) should be used to maintain a sense of human scale on streets and sidewalks. Large wall surfaces, which increase a building's scale, should be broken up through the use of detailing and textural variation to reduce the scale.

Existing fenestration (windows, entrances) rhythms and proportions which have been established by lot width or bay width should be repeated in new structures. The spacing and size of window openings should follow the sequence set by existing structures. Large glass areas should be broken up by mullions so that the scale of glazed areas is compatible with that of neighboring buildings.

3. Materials and Colors. The use of like materials can relate two buildings of obviously different eras and styles. The use of materials that appear similar (such as substituting concrete for terra cotta) can link two disparate structures, or harmonize the appearance of a new structure with the architectural character of a conservation district.

The preferred surface materials for this district are brick, terra cotta, stone, and concrete (simulated to look like terra cotta or stone). New buildings should use more than one facade material to repeat the pattern prevalent in existing structures. Since the common colors of the district are those of red brick and grey stone, these colors as well as earth tones should be used in new construction.

4. Detailing and Ornamentation. A new building should relate to the surrounding area by picking up elements from surrounding buildings and repeating them or developing them for new purposes. Ornamental details, such as columns, lintels and arches, can be taken from an adjacent building and used in a new building to relate the latter to the surrounding area. Similarly shaped forms can be used without directly copying historical ornament. The new structure should incorporate prevailing cornice lines, belt courses or rusticated bases and may use a modern vernacular instead of that of the original model.

SEC. 8. TDR; Eligibility of Category V Buildings. Category V buildings in the Pine - Sansome District are eligible for the transfer of TDR as provided in Section 1109(c).

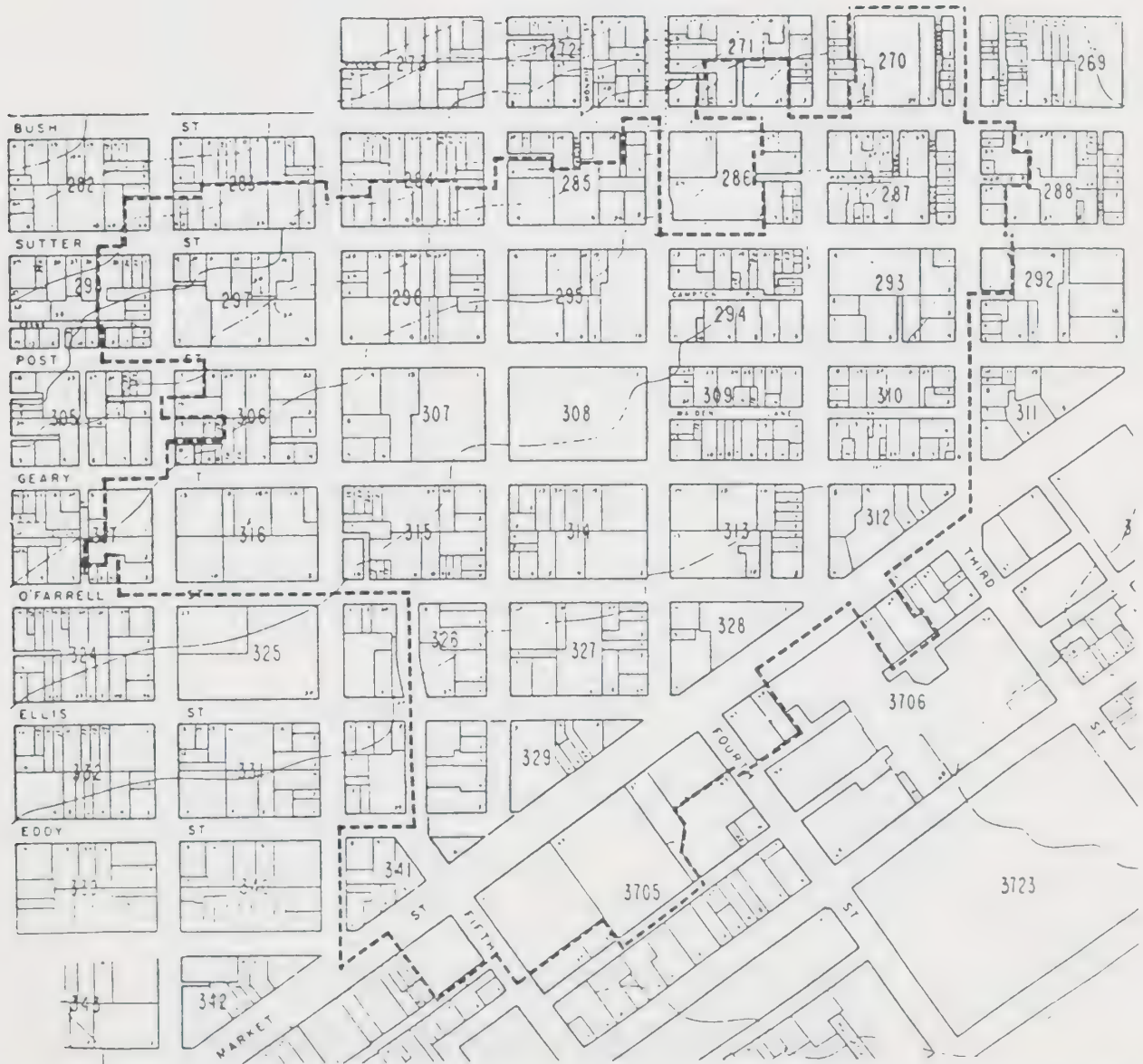
Section 2. The boundaries of the C-3 use districts as shown on Section Maps 1, 2 and 7 of the Zoning Map are hereby amended to establish C-3 use districts and P districts as shown on the Map on file with the Clerk of the Board of Supervisors under File No. 223-84-4 and as generally shown on Exhibit A, attached hereto.

Section 3. The height and bulk districts in the C-3 use districts and the RH-2 and RM districts in the area bounded by Sixth, Eighth, Folsom and Mission Streets as shown on Section Map 1H, 2H and 7H of the Zoning Map are hereby amended as shown on the Map on file with the Clerk of the Board of Supervisors under File No. 223-84-4 and as generally shown on Exhibit B, attached hereto.

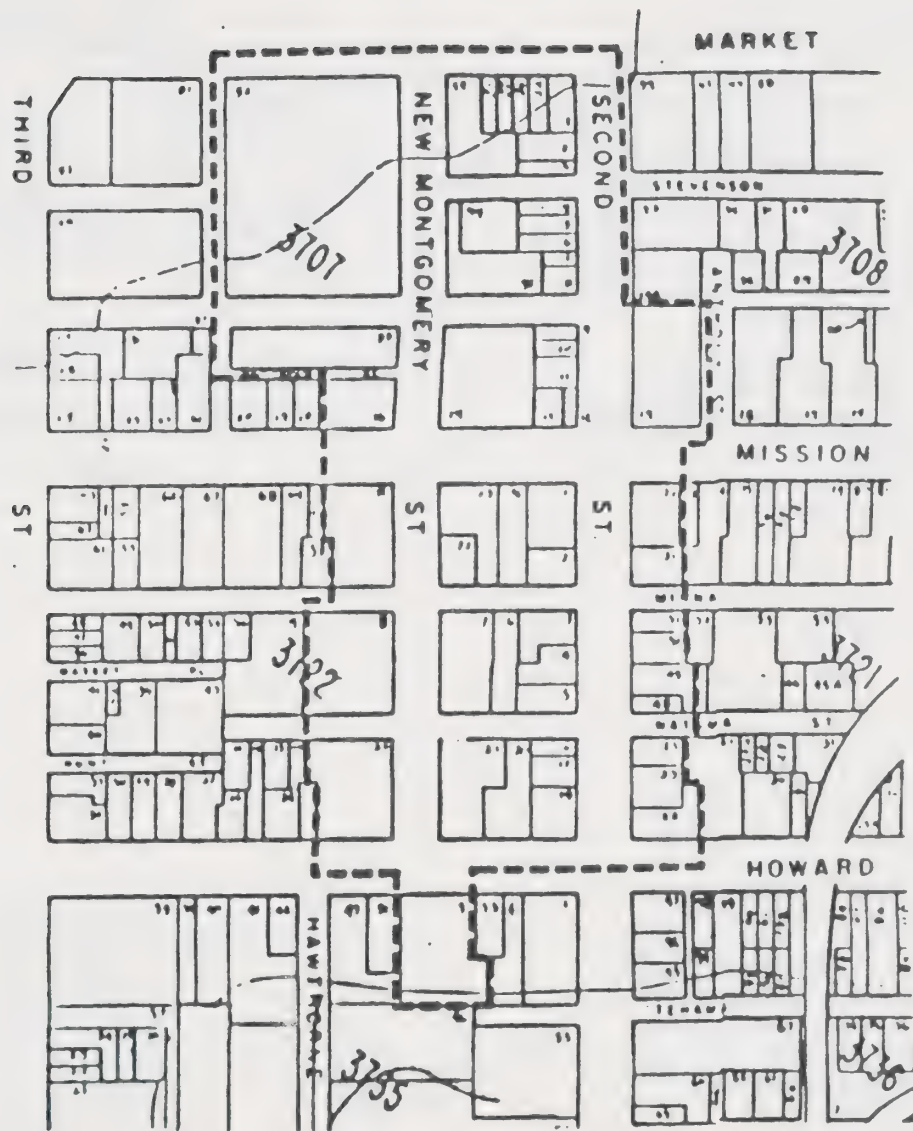
Section 4. The Downtown Office Special Development District (also referred to as the C-3-O (SD) District) with boundaries as shown on Section Map 1 of the Zoning Map as shown on the Map on file with the Clerk of the Board of Supervisors under File No. 223-84-4 and as generally shown on Exhibit A, attached hereto, is hereby adopted.

Section 5. The Mid-South of Market Special Use District with boundaries as shown on Section Map 1SU^c and 7SU on file with the Clerk of the Board of Supervisors under File No. 223-84-4 and as generally shown on Exhibit C, attached hereto, is hereby adopted.

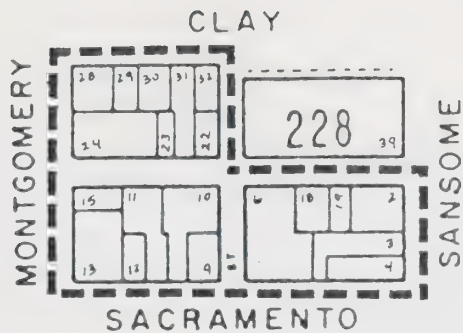
Section 6. Severability. It is the intent of this Board of Supervisors that if any part of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance or any part thereof. The Board of Supervisors hereby declares that it would have passed all portions of this ordinance irrespective of the fact that any one or more portions be declared unconstitutional or invalid.



KEARNY-MARKET-MASON -SUTTER CONSERVATION DISTRICT MAP



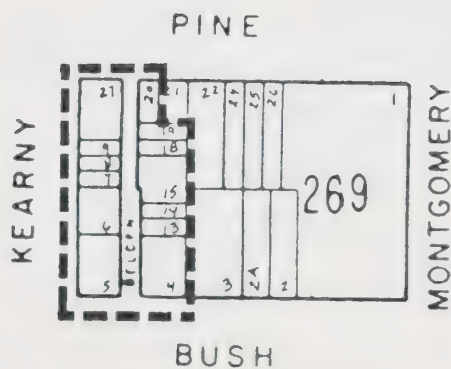
**NEW MONTGOMERY - SECOND
CONSERVATION DISTRICT MAP**



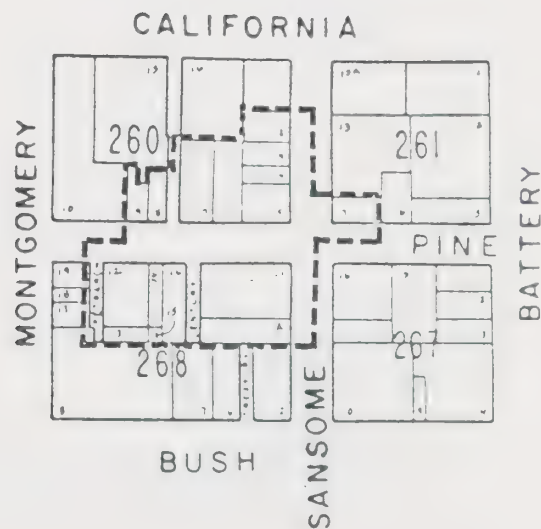
**COMMERCIAL-LEIDESDORFF
CONSERVATION DISTRICT
MAP**



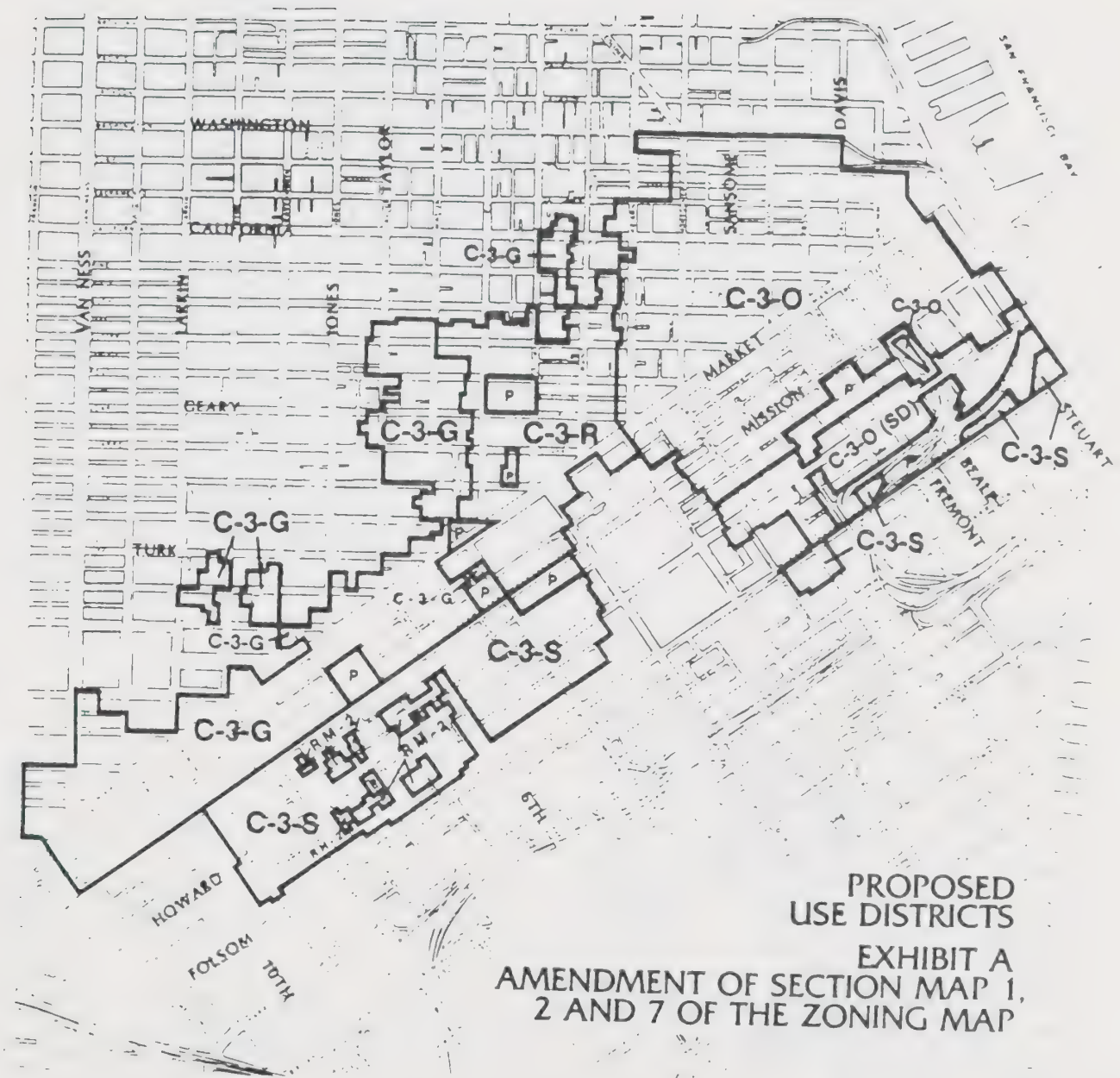
**FRONT-CALIFORNIA
CONSERVATION DISTRICT
MAP**



**KEARNY-BELDEN
CONSERVATION
DISTRICT MAP**



**PINE-SANSOME
CONSERVATION
DISTRICT MAP**



**PROPOSED
HEIGHT AND BULK DISTRICTS
EXHIBIT B
AMENDMENT OF SECTION MAP 1H,
2H AND 7H OF THE ZONING MAP**





EXHIBIT C MID-SOUTH OF MARKET SPECIAL USE DISTRICT

U.C. BERKELEY LIBRARIES



C124887752

